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AGENDAS/MINUTES
CITY OF HAMILTON
PLANNING & DEVELOPMENT
COMMITTEE
JUNE 21, 2000 ...

AGENDA

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday June 21, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Tina Agnello
Legislative Assistant

CALL TO ORDER

1. DECLARATIONS OF INTEREST

2. PUBLIC MEETINGS:

- 2.1 Request for approval of a Draft Plan of Subdivision "Scenic Park South", Official Plan Amendment and a Change in Zoning for lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood ZAC-99-36 and SAC-99-04 (PDC00116)
- 2.2 Request for a Modification in Zoning for Lands Located at 544 Limeridge Road East ZAR-00-10 (PDC00108)
- 2.3 Request for a Change in Zoning for Lands Located at 81 Christie Street ZAR-00-14 (PDC00114)
- 2.4 Re-zoning for 1472 Upper Gage Avenue ZAR-00-16 (PDC00104)
- 2.5 Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105)

3. ADOPTION OF MINUTES

- 3.1 Minutes of the Regular Meeting Held May 24, 2000
- 3.2 Minutes of the Special Meeting held May 30, 2000

4. CONSENT ITEM

- 4.1 Demolition of 19 Division Street (PDC00109)
- 4.2 Demolition of 322 Lake Avenue North (PDC00110)
- 4.3 Demolition of 120 Catharine Street South (PDC00111)
- 4.4 Demolition of 928 Burlington Street East (PDC00112)
- 4.5 Amended Condition of Approval for Rental Housing Protection Act, Application CD-97-006 for 23-25 Macauley Street West (PD00001A)
- 4.6 Core Heritage 2000 Program, 14 Hess Street South (HSB00009)
- 4.7 Authorization to advertise externally for Candidates to fill the position of "Heritage Planner" (PDC00113)

5. DISCUSSION ITEMS

- 5.1 Tax Incentive Program Extension – Commercial/Industrial Heritage Buildings in the Central Area (PDC00101)
- 5.2 Residential Care Facilities, Long Term Care Facilities and Correctional Facilities (PDC00102)
- 5.3 Site Plan Control Application DA-00-07 for the demolition of the former Eaton's store and relocation of the existing Fortino's grocery store at 75 Centennial Parkway North (Eastgate Square) (PDC00115)

6. DELEGATION

Sergio Manchia-
Request for Waiving of fees for 73 Garfield Avenue

7. OTHER BUSINESS

8. ADJOURNMENT

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: June 6, 2000
ZAC-99-36 and SAC-99-04
Mountview Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for approval of a draft plan of subdivision "Scenic Park South", Official Plan Amendment and a change in zoning for lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood (PDC00116)

RECOMMENDATION:

- A. That approval be given to Official Plan Amendment No. ____, for lands located south of Chedmac Drive and east of Magnolia Drive for the following changes:
- i) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
 - ii) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and Open Space designations in accordance with the proposed plan of subdivision "Scenic Park South".
- B. That approval be given to **Subdivision Application 99-04, (Regional File No. 25T-99009), Starward Homes Ltd., prospective owner** to establish a draft plan of subdivision "Scenic Park South", on lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated April 25, 2000, showing 117 single-detached dwellings, 40 street townhouse units, 65 block townhouse units, 1 block for a public walkway and to establish 4 streets, attached as Appendix "B";

- ii) That the applicant/owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
- iii) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
- iv) That the applicant/owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
- v) That the final plan conform with the Zoning By-law approved under the Planning Act;
- vi) That the applicant/owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
- vii) That the applicant/owner dedicate Block 122 to the City of Hamilton for parkland as provided for under Section 51 of the Planning Act;
- ix) That the applicant/owner dedicate Block 121 as a public walkway to the City of Hamilton and that the applicant/owner provide for landscaping within the public walkway to the satisfaction of the Co-ordinator, Park Development and Maintenance Section, Department of Public Works and Traffic;
- x) That Block 118 not be developed until such time as the lands have been assembled to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- xi) That the applicant/owner carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

- xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

- xiii) That the applicant/owner submit a Servicing Study to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- xiv) That the first phase of subdivision development of Lots 45 to 117 inclusive and any of the internal Blocks on the plan include the reconstruction and realignment of Chedmac Drive as noted in the approved Mountview Neighbourhood plan and the realignment of Chedmac Drive;
- xv) That the Final Plan not be registered until the applicant/owner satisfies all the conditions of approval of City of Hamilton Land Severance Application B-99:82. These conditions of approval cover all roadway and land dedications for street widenings, servicing costs, etc.;
- xvi) That the applicant/owner pay all outstanding land and servicing costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. This is required in order that the City of Hamilton can pass the appropriate By-law to incorporate the .30m reserve, shown as part of Block "C" on Plan No. M-84, adjacent to Magnolia Drive, into the public highway;
- xvii) That the 0.30m reserve previously incorporated into the Magnolia Drive road allowance and shown on the submitted plan, be revised to the satisfaction of the General Manager, Transportation, Operation and Environment Division;
- xviii) That the driveway locations on Lots 18 to 24 inclusive, Lots 32, 33, 42 to 44 inclusive, Lots 45 to 51 inclusive, Lots 104 to 108 inclusive and Lots 115 to 117 inclusive be to the satisfaction of the General Manager, Transportation, Operations and Environment Division and be shown on the approved engineering drawings;
- xix) That the radius of the street line out of the cul-de-sac bulb adjacent to Lot 99 must be a minimum of 9m;
- xx) That the beginning of curve and end of curve of the horizontal curves on the west leg of Street "A", the tangent between the reverse curves and the tangent to the east-west leg of Street "A" must be to the satisfaction of the General Manager of the Transportation, Operation and Environment Division and must be shown on the plan;
- xxi) That the phasing of development be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;

- xxii) That the radius of Street "A" adjacent to Lots 115 to 117 and at the east limit of Street "A", adjacent to Block 120 must be shown on the plan;
 - xxiii) That the limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance be amended due to the change in alignment of Street "A" on this draft plan submission;
 - xxiv) That the limits of Street "A" in the "Extendicare Block" align centreline to centreline with the limits of Street "A" on this draft plan;
 - xxv) That all lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles;
 - xxvi) That the subdivision plan not be registered until the Mountview Neighbourhood Plan has been revised to reflect the revised road pattern and land use designations; and,
 - xxvii) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City/Region prior to development of any portion of these lands.
- C. That funding for the acquisition of land required for park purposes in accordance with the approved Mountview Neighbourhood Plan, as revised to reflect the proposed plan of subdivision "Scenic Park South", for the amount of land that exceeds the 5% land dedication requirement, being approximately 7,580 m² (1.87 ac) of land, in accordance with Section 51 of the Planning Act and the City of Hamilton Official Plan, be forwarded for consideration in the 2001 Capital Budget.
- D. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-99-04/25T-99009), "Scenic Park South", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- E. That the City Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- F. That approval be given to **Zoning Application ZAC-99-36, Starward Homes Ltd., prospective owner**, for a changes in zoning for lands located south of Chedmac Drive and east of Magnolia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District;
- ii) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;
- iii) That Blocks "3" and "16" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "C" (Urban Protected Residential, etc.) District;
- iv) That Blocks "4" and "7" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- v) That Block "5" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- vi) That Block "6" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- vii) That Block "8" and "9" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District;
- viii) That Blocks "10" and "11" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- ix) That Block "12" be rezoned from "DE-3" (Multiple Dwellings) District to "RT-30" (Street Townhouse) District;
- x) That Block "13" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-30" (Street Townhouse) District;
- xi) That Block "14" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "RT-20" (Townhouse – Maisonette) District; and,
- xii) That Block "15" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-20" (Townhouse – Maisonette) District.
- xiii) That the "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "16", as referred to in Section F(iii) be modified to include the following variance as a special requirement:

- a) That notwithstanding Section 9.(1), Subsection 18.(4) and Subsection 18.(13) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted;
- xiv) That Subsection 2(b) of By-law No. 96-152 be deleted in its entirety;
- xv) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-43a and W-37 for presentation to City Council;
- xvi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1363b, and that the subject lands on Zoning District Maps W-43a and W-37 be notated as S – 1363b;
- xvii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. __ by the Region of Hamilton-Wentworth;
- xviii) That upon finalization of the implementing zoning by-law, that the approved Mountview Neighbourhood Plan be amended to revise the road pattern as shown on the proposed plan of subdivision “Scenic Park South” (attached as Appendix “B”) and to revise the land use designations for the following blocks (as shown on APPENDIX “A”) on the following basis:
 - Blocks 1 & 2: - From “Park and Recreational” to “Single and Double” Residential;
 - Block 5 - From “Single and Double” Residential to “Open Space”;
 - Block 6 - From “Low Density Housing” to “Open Space”;
 - Blocks 8, 9, 10, 11 - From “Low Density Housing” to “Single and Double” Residential;
 - Block 12 - From “Institutional” to “Attached Housing”; and,
 - Block 14 - From “Single and Double” Residential to “Low Density Housing”.

EXPLANATORY NOTE:

Application for an Official Plan Amendment:

An application for an Official Plan Amendment to permit the proposed residential

development has been made. The proposed Official Plan Amendment is for the following changes:

- 1) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
- 2) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and Open Space designations.

Application for Changes in Zoning:

An application for changes in zoning and modifications to the established zoning has been made on the following basis:

- | | | |
|------------------|---|--|
| Block 1 | - | From "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District; |
| Block 2 | - | From "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District; |
| Blocks 3 and 16 | - | From "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "C" (Urban Protected Residential, etc.) District; |
| Blocks 4 and 7 | - | From "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "R-4" (Small Lot Single Family Dwelling) District; |
| Block 5 | - | From "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District; |
| Block 6 | - | From "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District; |
| Blocks 8 and 9 | - | From "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District; |
| Blocks 10 and 11 | - | From "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "R-4" (Small Lot Single Family Dwelling) District; |
| Block 12 | - | From "DE-3" (Multiple Dwellings) District to "RT-30" (Street Townhouse) District; |

- Block 13 - From "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-30" (Street Townhouse) District;
- Block 14 - From "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "RT-20" (Townhouse – Maisonette) District;
- Block 15 - From "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-20" (Townhouse – Maisonette) District; and,

In addition, the By-law provides the following special requirement applicable to Block "16":

1. No building or structure, except a fence, shall be permitted within the extent of the lands shown as Block "16"

Application for Approval of a Draft Plan of Subdivision:

The effect of the proposed changes in zoning is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Scenic Park South" (Regional File No. 25T-99009) for 117 single-detached dwellings (75 "C" District lots and 42 "R-4" District lots), 40 street townhouse units, 65 block townhouse units, 1 block for a public walkway and to establish 4 streets.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board Approval is not required at this point in time. Funding for the acquisition of land for park purposes will be forwarded to the Transition Board for their consideration as part of the 2001 Capital Budget Review.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for draft approval of a plan of subdivision, an Official Plan Amendment and a Zoning By-law amendment. Furthermore, approval of the proposed subdivision may require that the City of Hamilton acquire approximately 0.75 ha (1.87 ac) of land, being the amount of land that exceeds the 5% land dedication requirement.

In this regard, funding for the acquisition should be forwarded for consideration in the 2001 Capital Budget.

BACKGROUND:**Proposal**

The application is for an Official Plan Amendment and changes in zoning to permit the development of the subject lands in accordance with the proposed plan of subdivision "Scenic Park South" (Regional File No. 25T-99009) for 117 single-detached dwellings, 40 street townhouse units, 65 block townhouse units, 1 block for a public walkway and to establish 4 streets (see APPENDICES "A" and "B").

Applicant:

Starward Homes, prospective owner.

Agent:

T. Johns and Associates.

Surveyor:

B.J. Clarke, O.L.S.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- a depth of 500 m;
- a width of 225 m; and,
- a lot area of 15.4 ha.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"A" (Conservation, Open Space, Park and Recreation) District, "C" – 'H' (Urban Protected Residential, etc. – Holding) District, "DE-3" (Multiple Dwellings) District and, "RT-20" – 'H' (Townhouse – Maisonette – Holding) District
<u>Surrounding Land Use</u>		
To the north	Vacant (planned neighbourhood park)	"A" (Conservation, Open Space, Park and Recreation) District

To the south	Multiple Family Residential	"D" (Urban Protected Residential, etc – One and Two Family) District, modified, and "E"(Multiple Dwellings and Lodges, Clubs, etc.) District, modified
To the west	Single Family Residential	"C" (Urban Protected Residential, etc.) District
To the east	Vacant lands, institutional uses and multiple family residential	"DE" (Low Density Multiple Dwelling) District, modified, "AA" (Agricultural) District, modified, and "RT-20" (Townhouse – Maisonette) District, modified

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" and "Open Space" on Schedule "A" of the Official Plan. In addition, the subject lands are located within the "Chedmac Planning Area Secondary Plan".

An application for an Official Plan Amendment to permit the proposed residential development has been made. The proposed Official Plan Amendment is for the following changes:

- 1) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
- 2) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and Open Space designations.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Park and Recreational", "Single and Double" Residential, "Institutional" and "Low Density Residential" in the approved Mountview Neighbourhood Plan. Approval of the applications will require that the Mountview Neighbourhood Plan be amended to revise the land use designations and street pattern in accordance with the proposed plan of subdivision "Scenic Park South". The following neighbourhood plan changes are required (see Appendix "A" for location of Blocks):

Blocks 1 & 2: - From "Park and Recreational" to "Single and Double" Residential;

- Block 5 - From "Single and Double" Residential to "Open Space";
- Block 6 - From "Low Density Housing" to "Open Space";
- Blocks 8, 9, 10, 11 - From "Low Density Housing" to "Single and Double" Residential;
- Block 12 - From "Institutional" to "Low Density Housing";
- Block 14 - From "Single and Double" Residential to "Low Density Housing"

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning. They have verbally advised that they will be requesting that the Region of Hamilton-Wentworth incorporate into the proposed conditions of draft plan approval the applicable conditions pertaining to storm water management, water quality and water quantity.

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the revised subdivision and zoning application and have no comments."

- The Building Department advised of the following:

"1. The lots (numbered 1 through 102) appear to conform to the existing and proposed zoning as shown on the submitted revised draft plan dated March 29, 2000. Note that the width of Lot 75 is not shown. The tentative lots in Blocks 124 and 125 appear to conform to the "RT-30" zoning proposed. Block 123 conforms to "A" District requirements. No lot areas have been provided."

- The Development Planning Section, Land Development Department have advised of the following:

"1) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological

resource concerns have met licensing and resource conservation requirements.

- The Development Engineering Section, Land Development Department have advised of the following:

"We have the following comments and recommendations with regard to the above noted proposed revised draft plan of subdivision, as submitted with your letter of April 26, 2000.

FOR INFORMATION

- 1) There are sewers and watermains available to service the subject lands.
- 2) According to our records the lands to establish the street Townhouse development of Block 118 will be/are partly owned by the owner of lands to the east as part of the Extendicare development.
- 3) Although not dimensioned on the plan, we have reviewed the draft plan submission on the basis that all the daylight triangles shown on the L-shape bends in the roadways and at all the intersections are minimum of 4m by 4m.
- 4) The limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance will require amendment due to the change in alignment of Street "A" on this draft plan submission. Arrangements must be made to ensure that the limits of Street "A" in the Extendicare Severance align centreline to centreline with the limits of Street "A" on this draft plan.
- 5) All lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles.
- 6) Further comments on the development of Blocks 118, 119 and 120, the locations of the access, etc. will be provided at such time as these lands are developed through site plan control with the City of Hamilton.
- 7) In approving this plan the Committee should be advised that the spacing between the intersections of Street "A" and "B" and Street "A" and the realigned Chedmac Drive on this revised plan does not conform to our minimum requirements. This is due in part to the final location of the Parkland shown as Block 122 on the plan. This intersection spacing is not desirable and depending on the traffic control at the intersection of Chedmac Drive and Street "A", it could be accommodated in this particular

situation only and is not to be used as a new accepted standard in our neighbourhood and subdivision design and approvals.

RECOMMENDATIONS

- 1) That the applicant/owner submit a Servicing Study to the satisfaction of the Community Planning and Development Division
- 2) That the first phase of subdivision development of Lots 45 to 117 inclusive and any of the internal Blocks on the plan include the reconstruction and realignment of Chedmac Drive as noted in the approved Mountview Neighbourhood plan and the realignment of Chedmac Drive.
- 3) That the Final Plan not be registered until the applicant/owner satisfies all the conditions of approval of City of Hamilton Land Severance Application B-99:82. These conditions of approval cover all roadway and land dedications for street widenings, servicing costs, etc.
- 4) That the applicant/owner pay all outstanding land and servicing costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. This is required in order that the City of Hamilton can pass the appropriate By-law to incorporate the .30m reserve, shown as part of Block "C" on Plan No. M-84, adjacent to Magnolia Drive, into the public highway.
- 5) That the 0.30m reserve previously incorporated into the Magnolia Drive road allowance and shown on the submitted plan, be revised to reflect our records.
- 6) That the driveway locations on Lots 18 to 24 inclusive, Lots 32, 33, 42 to 44 inclusive, Lots 45 to 51 inclusive, Lots 104 to 108 inclusive and Lots 115 to 117 inclusive be to the satisfaction of the General Manager, Transportation, Operations and Environment Division and be shown on the approved engineering drawings.
- 7) That the radius of the street line out of the cul-de-sac bulb adjacent to Lot 99 must be a minimum of 9m.
- 8) That the radius of Street A adjacent to Lots 115 to 117 and at the east limit of Street A, adjacent to Block 120 must be shown on the plan.
- 9) That the beginning of curve and end of curve of the horizontal curves on the west leg of Street A, the tangent between the reverse curves and the tangent to the east-west leg of Street A must be to the satisfaction of the General Manager of the Transportation, Operation and Environment Division and must be shown on the plan.

- 10) The phasing of development of this subdivision must be to the satisfaction of the Manager of Development Engineering, Community Planning and Development Division. This is required to ensure that the number of residential units being constructed from a single public street access is to the satisfaction of the City of Hamilton.
- 11) That the limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance be amended due to the change in alignment of Street "A" on this draft plan submission.
- 12) That the limits of Street "A" in the "Extendicare Block" align centreline to centreline with the limits of Street "A" on this draft plan.
- 13) That all lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles.
- 14) That the subdivision plan not be registered until the Mountview Neighbourhood Plan has been revised.
- 15) That the applicant/owner convey Block 121 on the draft plan to the City of Hamilton by deed for walkway purposes.
- 16) That the applicant/owner convey Block 122 on the draft plan to the City of Hamilton by deed for park purposes.
- 17) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City/Region prior to development of any portion of these lands.

The submitted plan, as submitted by B.J. Clarke, O.L.S. stamped with the date April 25, 2000 is satisfactory to the Community Planning and Development Division subject to the above noted comments and recommendations."

COMMENTS:

1. The proposal has merit and can be supported for the following reasons:
 - it represents a "down zoning" of the subject lands in that the existing approved neighbourhood plan would permit the development of 319 units whereas the proposed plan of subdivision is for 222 units
 - the proposal provides for a mix of housing types (single family dwellings, small lot single family dwellings, street townhouse units and block townhouse units) whereas the approved neighbourhood plan was for single family

dwelling and block townhouse units; and,

- it would be compatible with the existing and planned residential uses.
2. To provide for an effective servicing plan for the proposed development, and to facilitate pedestrian access through the neighbourhood, a 12.0 m wide walkway connecting Street D and Street A has been incorporated into the proposed plan of subdivision. The size of the walkway is the same size as the 2 walkways that have been provided as part of the development of the "Tiffany" subdivision to the north of the subject lands.

The proposed plan of subdivision has been red-line revised to remove the bend in the proposed pedestrian walkway. This also resulted in a minor adjustment to the adjacent lots. The purpose of this revision was to provide for a direct line of sight along the walkway and thereby eliminate any potential "blind spots" in the walkway.

The Parks Department has advised that the proposed walkway is acceptable provided that applicant/owner provide for landscaping within the public walkway to the satisfaction of the Co-ordinator, Park Development and Maintenance Section, Department of Public Works and Traffic.

3. The applicant is proposing to rezone the subject lands to "C" District, "R-4" District and "RT-30" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.
4. At the time of approval of the Mountview Neighbourhood Plan, a special provision was incorporated into the zoning for the block townhouse units to restrict the height of the townhouse units to 1½ storeys. This was in response to neighbourhood concerns regarding loss of privacy, overshadowing and blockage of views.

Based on the preliminary engineering submissions, there will be approximately a 5 m grade differential between the existing development and the proposed townhouse development. In addition, the subject lands slope towards Chedmac Drive. As such, the northerly limits of the subject lands abutting Chedmac Drive is proposed to be 10 m lower than the existing multiple family developments along Mohawk Road and 5 m lower than Magnolia Drive. As such, the requested deletion of the 1½ storey height restriction in By-law No. 96-152 can be supported.

5. The approved Mountview Neighbourhood Plan designates a site for park and recreational uses along the northerly limits of the subject lands. As such, as a condition of approval, the applicant will be required to dedicate 5% of the total

area of the subdivision for parkland.

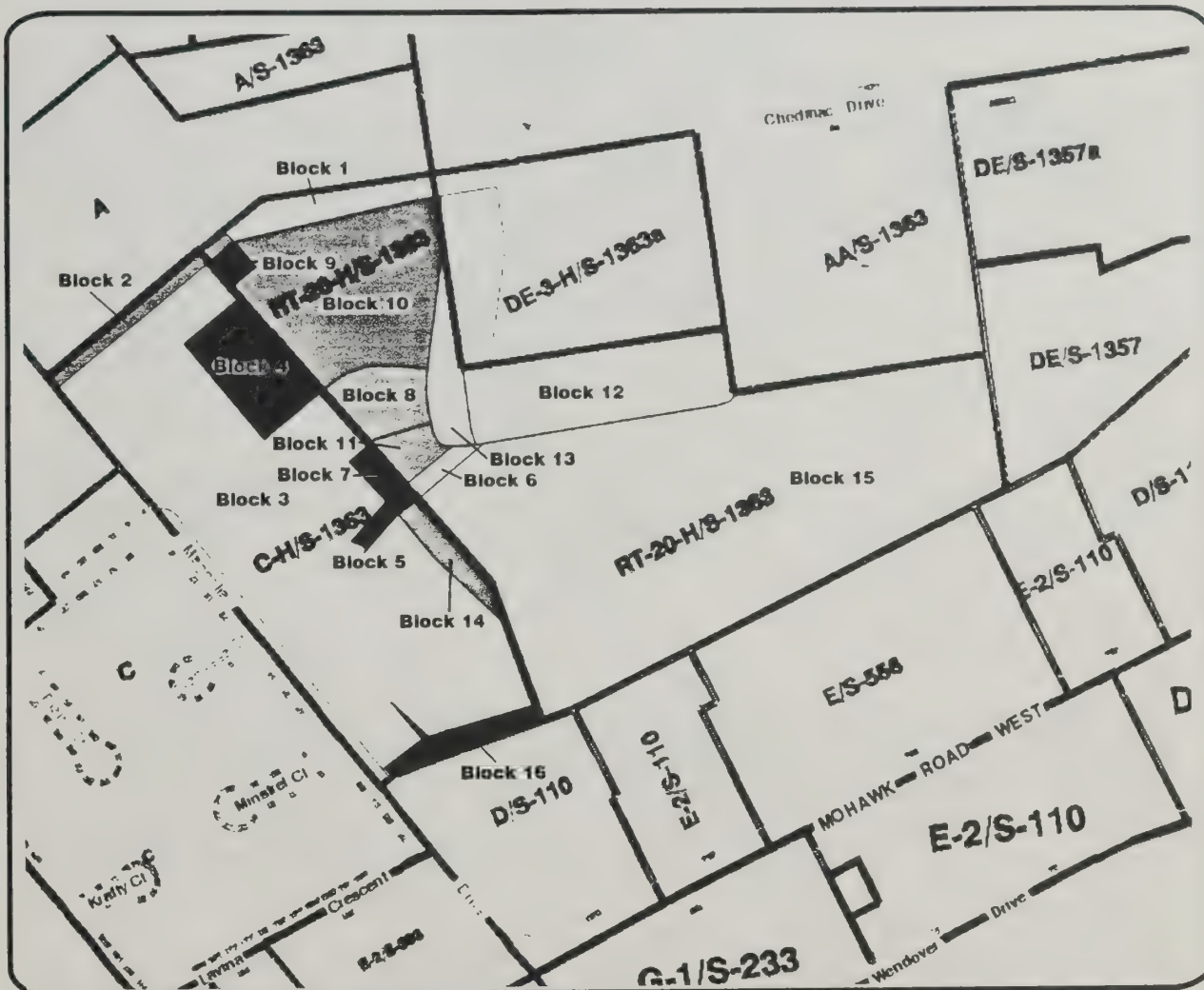
The applicant is proposing a minor revision to the neighbourhood park in that width of the park has been reduced by approximately 10.0 m. The Parks Development Section have advised that they have no objection to the proposed reconfiguration of the neighbourhood.

It is noted that even with the revision to the size of the neighbourhood park, the amount of parkland to be acquired by the City of Hamilton to implement the approved neighbourhood plan exceeds the amount of land to be dedicated to the City of Hamilton. In this regard, the City will be required to compensate the applicant for the amount of parkland dedicated that exceeds the 5% requirement of the Planning Act and the City of Hamilton Official Plan. Based on preliminary calculations, the City will be required to acquire an additional 7,580 m² (1.87 ac) of land for park purposes or provide the applicant with a credit for development of lands in abutting neighbourhoods. In this regard, it is appropriate to forward this matter for consideration in the 2001 Capital Budget for the acquisition of the additional parkland above and beyond the 5% dedication requirement. Alternatively, consideration could be given to a development charges credit whereby the applicant would not be required to pay that portion of the City development charge related to park development.

6. The "RT-20" District and "RT-30" District are subject to Site Plan Control. In this regard, matters such as grading, landscaping, building elevations and driveway access will be reviewed at the site plan review stage.

CONCLUSION:

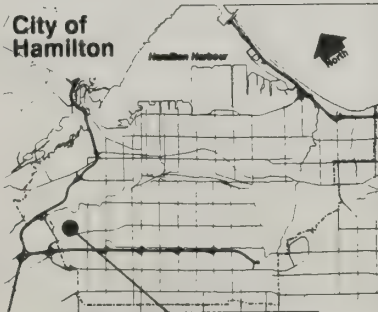
Based on the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

City of
Hamilton



Site of the Application

Reference file:
EA-99-04/ZA-99-35

Date
May, 2000

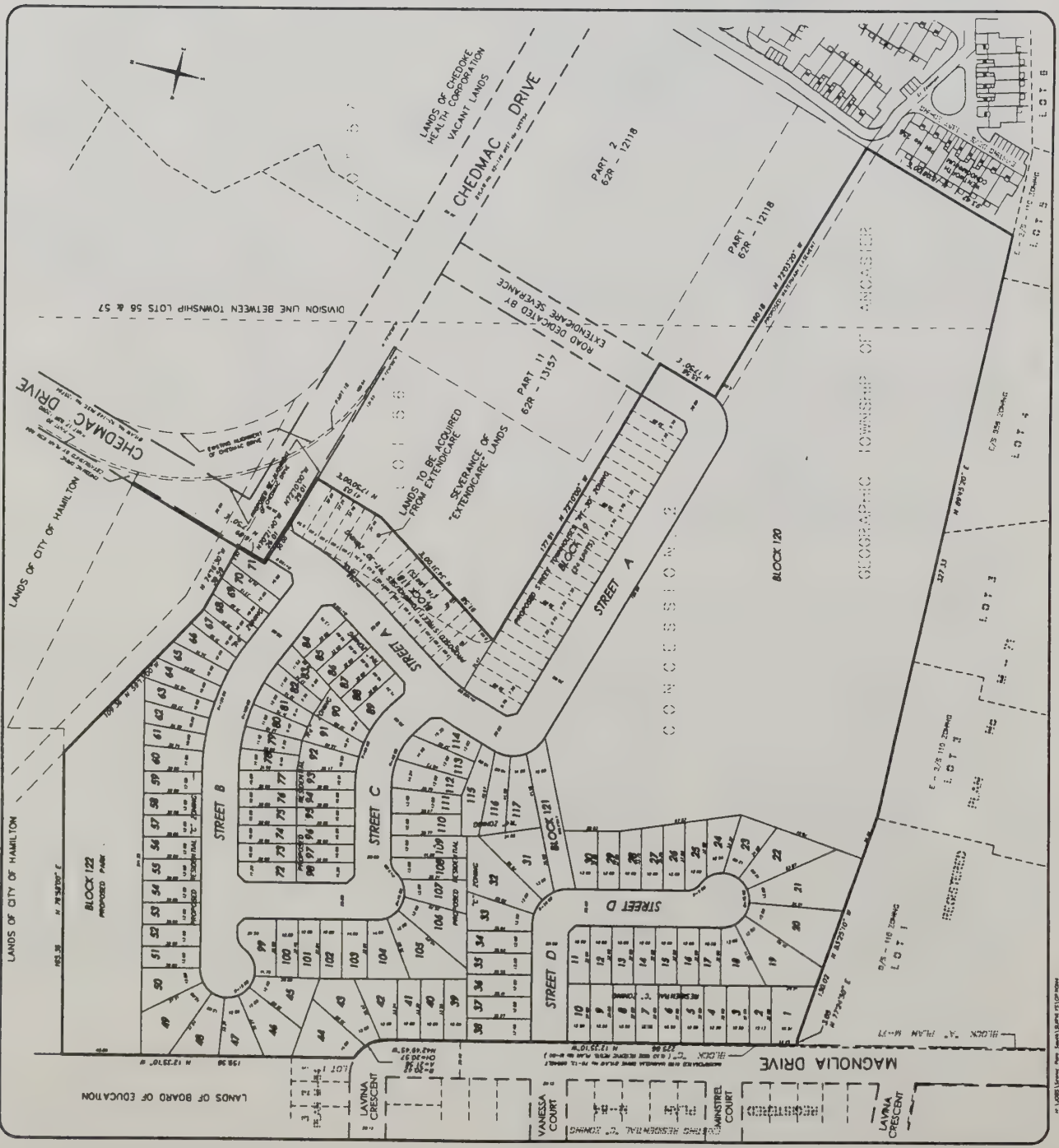
Scale
Not to Scale

Technician:
D.L.

Change in zoning from:

- | | |
|----------|--|
| 1 | "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District |
| 2 | "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District |
| 3 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District |
| 4 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District |
| 5 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District |
| 6 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District |
| 7 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District |
| 8 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District |

- | | |
|-----------|--|
| 9 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District |
| 10 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District |
| 11 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District |
| 12 | "DE-3" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District |
| 13 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "RT-30" (Street - Townhouse) District |
| 14 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "RT-20" (Townhouse - Maisonette) District |
| 15 | "RT-20" - 'H' (Townhouse - Maisonette - Holding) District to "RT-20" (Townhouse - Maisonette) District |
| 16 | "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District, mod. |



REVISED DRAFT PLAN OF
Scenic Park South
RE: A PROPOSED SUBDIVISION OF
PART OF LOTS 56 & 57 - CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-NORTH
B. J. CLARKE O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND METRIC, CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P-13 R.S.O. 1990 SECTION 51(1) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. SHOWN ON PLAN
C. SHOWN ON PLAN	I. SHOWN ON PLAN
D. SHOWN ON PLAN	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. SHOWN ON PLAN
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE
THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: APRIL 25, 2000

LAND USE SCHEDULE:
LOT 1 TO 38, 39 TO 114 - SINGLE FAMILY (C-TOWN) (75 LOTS)
LOT 39 TO 114 - SINGLE FAMILY (C-TOWN) (75 LOTS)
LOT 115 TO 117 - SINGLE FAMILY (C-TOWN) (3 LOTS)
LOT 118 AND 119 - SINGLE FAMILY (C-TOWN) (2 LOTS)
BLOCK 120 - BLOCK TOWNSHIP LOTS (R1-20 TOWN)
BLOCK 121 - BLOCK TOWNSHIP LOTS (R1-20 TOWN)
BLOCK 122 - BLOCK TOWNSHIP LOTS (R1-20 TOWN)

SUBDIVISION DRAFT APPROVAL
THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE OF: 2000

COMMISSIONER OF MUNICIPALITY
REGIONAL MUNICIPALITY OF HAMILTON-NORTH
AUTHORIZED BY BY-LAW NO. 199-01-01

A. J. Clarke and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMAM (ON ONARIO) L8P 1H1
TEL: 905-571-1111
FAX: 905-571-2289

CITY OF HAMILTON

2.2

- RECOMMENDATION -

DATE: 2000 May 30
ZAR-00-10
Thorner Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Request for a modification in zoning for lands located at No. 544 Limeridge Road East (PCD00108)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-00-10, M.C.G.W. Properties Corp., owner, for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a car wash within a portion of the existing building and a proposed addition, for lands located at No. 544 Limeridge Road East, as shown on the attached Map marked as APPENDIX "A", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
- (i) Notwithstanding Section 14A.(1)(d) and Section 14.(1)(xvii), a mechanical and/or manual car wash shall be permitted with a maximum floor area of 882 m² and more than one bay or stall may be utilized.
 - (ii) Notwithstanding Section 14A.(3)(b) and Section 18.(3)(ivc)(a), an easterly side yard setback of at least 1.0 m shall be provided and maintained.
 - (iii) Notwithstanding Sections 14A.(3)(c) and 18.(3)(ivc)(a), a rear yard of a depth of at least 4.5 m shall be provided and maintained for a car wash kiosk with a maximum floor area of 4.7 m².
 - (iv) Sections 18.(3)(ivc)(b) and 18.(3)(ivc)(c) shall not apply.

- (v) Notwithstanding Section 18A.(1)(d), a minimum of one loading space having minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high shall be provided and maintained.
- (vi) A landscaped area with a minimum width of 1.0 m shall be provided and maintained within the required minimum 1.0 m easterly side yard.
- (vii) A landscaped area with a minimum width of 1.0 m shall be provided and maintained along the entire southerly rear lot line.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27B be notated S- .
- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27B for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

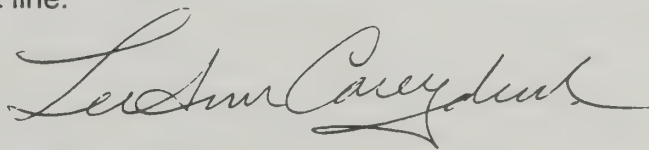
The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations for lands located at No. 544 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a car wash within a portion of the existing building and a proposed addition. An established automobile lube shop (permitted use) will remain within a portion of the existing building.

In addition, the By-law provides the following variances as special requirements:

- A mechanical and/or manual car wash shall be permitted with a maximum floor area of 882 m² and may utilize more than one bay or stall, whereas the Zoning By-law requires a car wash to be accessory to an automobile service station or public garage, permits it to occupy a maximum of 30% of the gross floor area of the public garage building and restricts it to one bay or stall.
- A minimum easterly side yard setback of 1.0 m shall be provided and maintained for the proposed addition, whereas the Zoning By-law requires a minimum 6.0 m setback.
- A minimum rear yard depth of 4.5 m shall be provided and maintained for a car wash kiosk with a maximum floor area of 4.7 m², whereas the Zoning By-law requires a minimum 6.0 m setback.

- Elimination of the requirement that a minimum 3.0 m wide planting strip and a 1.2 m to 2.0 m high visual barrier be provided and maintained along the easterly side lot line and southerly rear lot line adjoining residential districts.
- A minimum of one loading space having minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high shall be provided and maintained, whereas the Zoning By-law requires one loading space with minimum dimensions of 18.0 m long x 3.7 m wide x 4.5 m high.
- A landscaped area with a minimum width of 1.0 m shall be provided and maintained within the required easterly side yard of the proposed addition.
- A landscaped area with a minimum width of 1.0 m shall be provided and maintained along the entire southerly rear lot line.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Development History

The following is a summary of previous development on the subject lands:

- In 1986 a Site Plan application was approved to permit the front portion of the subject lands (544 Limeridge Road East) with an approximate site area of 2,116 m², to be developed for a one storey automotive lube shop and retail use with an approximate floor area of 601.5 m². Applications A-86-67 and A-86-232 were also approved for related minor variances.
- In 1990, minor variance application A-90-193 was approved to allow a ground sign for business identification to be located 2.0 m from the east lot line, instead of the permitted 4.5 m, and to have a sign area of 15.79 m², instead of the permitted 14.26 m². The variance is subject to the condition that it only applies to the tenant(s) existing at the time of the decision.
- In 1999, a Site Plan exemption (E-98-51) was approved to allow the erection of a 16.54 m² roof top business identification sign, which complied with the Zoning By-law.

- Earlier this year, a Site Plan exemption application, E-00-05 was approved for a second business identification ground sign for a proposed car wash. As a condition of approval, the former site plan exemption approval, E-98-51, for a roof top sign was rescinded. The sign must also comply with the Zoning By-law.
- On February 23, 2000, land severance application B-00-9 was approved to allow a vacant parcel of land south of the existing development at 544 Limeridge Road East (e.g. rear portion of the subject lands) to be severed from the lands to the east, known as 524 Limeridge Road East (McDonalds restaurant). The vacant parcel will be merged with 544 Limeridge Road East to increase the lot area of the subject lands from approximately 2,116 m² to 3,645.6 m², as shown on APPEDNIX "A".

Rezoning Application ZAC-00-10

The proposal is to construct a 480 m² addition to the existing 601.5 m² building at No. 544 Limeridge Road East. The total floor area would be 1,081.5 m². A preliminary site plan is attached as APPEDNIX "B". A portion of the existing building, with a floor area of 200m², will continue to be used for an automotive lube shop (public garage). The remainder of the existing building and the new addition, will be used for a mechanical and/or manual car wash. The total floor area proposed for the car wash use is 882 m² or 81.5% of the total floor area. The zoning by-law only permits a car wash as an accessory use to an automobile service station or public garage and restricts it to a maximum of 30% of the gross floor area of the building. As such, a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations is required to permit the car wash use.

APPLICANT:

M.C.G.W. Properties Corp., owner.

LOT SIZE AND AREA:

The subject lands have:

- 42.791 m of frontage on Limeridge Road East;
- approximately 78.99 m of depth; and,
- an area of 3,645.6 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Automotive lube and muffler shop	"HH" (Restricted Community Shopping and Commercial) District

Surrounding Lands

To the north	Regional shopping centre (Limeridge Mall)	"G-2" (Regional Shopping Centres) District
To the east	Ontario Hydro utility corridor	"AA" (Agricultural) District
To the west	Restaurant (McDonalds)	"HH" (Restricted Community Shopping and Commercial) District
To the south	Transportation corridor (Lincoln Alexander Freeway)	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule A – Land Use Concept of the Official Plan. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" by the Approved Thorner Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Community Planning and Development Division, Building Department advised of the following:
 - "1. An application to the Committee of Adjustment will be required to provide for the proposed addition the same relief from the requirements of section 18.(3)(ivc) as does A-86-67 for the existing building.
 2. The business identification pylon sign (not shown) permitted by A-90:193 may be used only for Quaker State Minit Lube and Mufflerman, i.e. the tenants existing at that time. A sign located at the spot labelled "sign location" on the site plan is permitted.
 3. Parking requirements for the proposed building are for twenty-one (21) parking spaces and one (1) 18m x 3.7m x 4.3m loading space, while nineteen (19) spaces are shown.
 4. The kiosk is considered a second principal building and must provide a 6.0m rear yard.

5. A car wash, to be permitted, must be by definition a "manual" or "mechanical" car wash (i.e. not a "coin operated" or a "conveyor system" type) and may occupy no more than 30% of the gross floor area of the entire building."

The Building Department also advised the following under separate cover:

"this is to confirm that only one car wash bay or stall is permitted in the District. Building plans would reveal the actual number."

- The Community Planning and Development Division, Development Engineering Section advised of the following:

"With respect to your letter dated April 4, 2000, we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of this section of Limeridge Road is 26.21m. According to our records the City of Hamilton previously acquired the required road widening adjacent to the subject lands. Therefore we do not anticipate any further road allowance widenings at this time.

The Region has completed all works adjacent to the subject lands on the Linc. The appropriate fences and grading have been constructed and we do not intend to do any further work in this area.

In the absence of grading plans submitted we note at this time that all surface drainage must be directed away from the Freeway Lands and that we will not permit any grading on private property to undermine the fence constructed on Freeway Lands. It is our opinion that the drive-thru curb and parking area should be setback approximately 1.0m from the Freeway Limits to ensure the stability of the fence, curbs, etc. Further comments will be provided at the site plan stage.

Comments from Ontario Hydro with respect to setbacks, landscaping and tree planting adjacent to their Tower Lines, grading, etc. should be considered.

Any other works within the adjacent road allowances must conform to the respective Streets By-laws."

- The Department of Public Works and Traffic, Traffic Division advised of the following:

"I would support a variance for a 9.0 m loading zone. The lube shop does generate loading activities."

- The Community Planning and Development Division, Land Development Department advised that the proposal conforms to the intent of the Hamilton-Wentworth Official Plan and falls within the parameters of the Provincial Policy Statement.

- The Hamilton Region Conservation Authority and Ontario Hydro have no comment or concern.

COMMENTS:

1. The proposal complies with the Official Plan and the Approved Thorner Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - The proposed car wash use would be compatible with development in the area, including established commercial areas to the north and west and the residential neighbourhood to the east. The nearest residential uses in the Thorner Neighbourhood are buffered by the Ontario Hydro corridor, which is approximately 30 m (100 ft.) wide and located immediately to the east of the subject lands.
3. The proposal requires a number of variances to the "HH" (Restricted Community Shopping and Commercial) District regulations. The variances and special requirements can be supported, as outlined below.

Car Wash Use

The Zoning By-law requires a car wash to be accessory to an automobile service station or public garage, permits it to occupy a maximum of 30% of the gross floor area of the public garage building and restricts it to one bay or stall. The proposed car wash would be located in the same building as the existing lube shop, which is considered a public garage. However, the proposed mechanical and/or manual car wash would occupy a maximum floor area of 882 m², or 81.5% of the total floor area and includes at least two stalls/bays. The effect of the application is to permit a car wash as a principle use, rather than as an accessory use to another automotive use. Notwithstanding, given the location of the subject lands in relation to other land uses, as noted above, the establishment of a car wash would be no less feasible than other automotive uses, such as a service station or public garage. Accordingly, the variances can be supported, subject to a restriction to the proposed floor area 882 m².

Side Yard Setback for Proposed Addition

The "HH" District provisions would require a minimum 4.5 m easterly side yard setback, since the adjacent lands are zoned "AA" (Agricultural) District. However, general provisions in the Zoning By-law require a minimum 6.0 m setback for all structures on lots used for automotive purposes (e.g. public garages) abutting residential districts. Therefore, a variance is required to allow the proposed addition to provide a minimum easterly side yard setback of 1.0 m, instead of 6.0 m. Although the adjacent lands to the east are zoned "AA" (Agricultural) District, which is by definition a residential district, they are actually used as a utility corridor. As stated previously, the hydro corridor provides a 30 m buffer between the proposed car wash and adjacent land uses. In addition, the proposed addition represents an extension of the existing

building, which provides a minimum easterly side yard of 0.45 m. Accordingly, the variance would not create an adverse impact on abutting land uses.

Rear Yard Setback for Proposed Kiosk

The preliminary site plan proposes a 4.65 m² car wash kiosk to be located approximately 4.5 m from the rear lot line. The "HH" District requires a minimum 6.0 m rear yard setback. In addition, the 6.0 m setback from residential districts for public garages also applies to the kiosk. As such, a variance is required to allow the kiosk to provide a minimum 4.5 m setback, instead of the minimum required 6.0. Although the adjacent lands to the south are zoned "AA" (Agricultural) District, which is by definition a residential district, they are actually used as a major transportation corridor. Also, the kiosk is a small accessory structure. The variance would not create an adverse impact on abutting land uses.

Landscaping and Visual Barriers

General provisions in the Zoning By-law also require the provision of a minimum 3.0 m wide planting strip and a 1.2 m to 2.0 m high visual barrier along the side lot lines and rear lot lines where an automotive use (e.g. public garage) adjoins a residential district. The intent of providing planting strips and visual barriers are to buffer adjacent residential uses. However, as noted above, the adjacent lands to the east and south are actually used as utility and transportation corridors. Furthermore, the townhouse development directly east of the Ontario Hydro corridor provides a visual barrier adjacent to the corridor. Therefore, a variance to exempt the site from providing planting strips and visual barriers can be supported.

However, in order to enhance the general view adjacent to the hydro corridor and to ensure relief from a blank concrete wall along the easterly façade of the proposed addition, the 1.0 m side yard area should be landscaped (e.g. cedar plantings). Furthermore, the Development Engineering Section have recommended that the drive-thru curb and parking area at the rear of the building should be setback approximately 1.0 m from the Freeway Limits to ensure the stability of the fence, curbs, etc.

Accordingly, special provisions should be incorporated into the By-law to require landscaped areas with a minimum width of 1.0 m along the entire southerly rear lot line and within the easterly side yard of the proposed addition. The preliminary site plan (APPENDIX "B") should be amended to provide these special provisions.

Loading

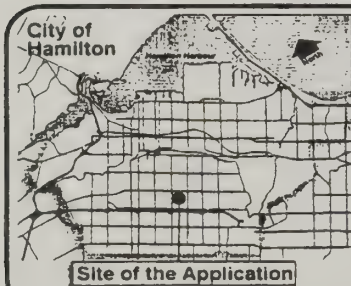
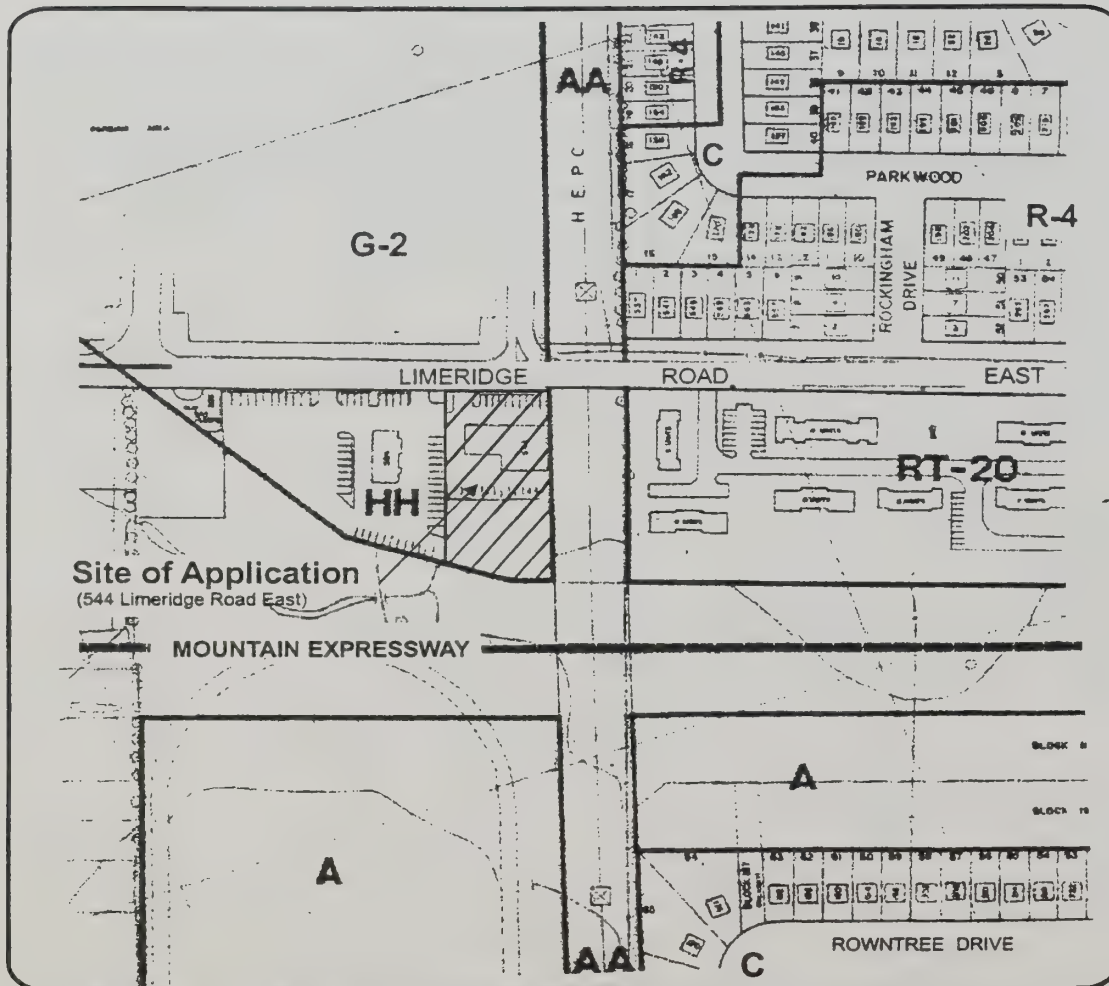
The Zoning By-law requires one loading space with minimum dimensions of 18.0 m long x 3.7 m wide x 4.5 m high. The preliminary site plan does not identify a loading space. Although the car wash use may not generate loading activity, the Traffic Division indicates that the lube shop likely will. As such, a variance to allow one small loading space, with minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high, instead of the 18 m long loading space, can be supported.

4. The preliminary site plan submitted with the application (APPENDIX "B") indicates 19 parking spaces would be provided. However, the Building Department has confirmed that 21 parking spaces are required. The plan can be revised to accommodate the required parking, therefore, a variance is not warranted. The Traffic Division concurs with this position.
5. The Building Department commented that the existing business identification pylon sign located at the north-east corner of the site (not shown on APPENDIX "B") may only be used for the tenants existing at the time variance A-90-193 was approved (i.e. Quaker State Minit Lube and Mufflerman). The applicant's agent has been advised that this sign cannot be used for the car wash tenant. The agent has indicated that the intent is to provide a second pylon sign, as approved under Site Plan exemption application E-00-05, for car wash business identification.
6. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control. Accordingly, matters such as grading, sign details, parking, maneuvering, landscaping, etc., will be further reviewed at the Site Plan stage of development.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application
 (544 Limeridge Road East)
 Modification to the "HH" (Restricted Community
 Shopping and Commercial etc.) District.

Reference file:
ZAR-00-10

Scale
Not to Scale

Date
Mar. 2000

Technician:
JS

APPENDIX 'A'





CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 June 5, 2000
ZAR-00-14
Eleanor Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at 81 Christie Street (PDC00114)

RECOMMENDATION:

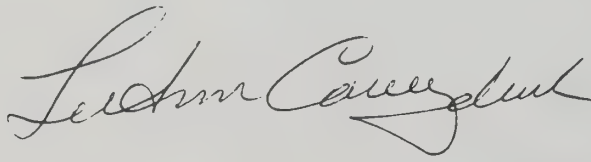
That approval be given to Zoning Application 00-14, Ashok & Virbala Kumar, owner, requesting a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located at 81 Christie Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the land be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E in a form satisfactory for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at 81 Christie Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the creation of three (3) single-family lots (i.e. one (1) existing dwelling and two (2) new lots) fronting onto Christie Street (see APPENDIX "B").



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant is requesting a rezoning for the land located at 81 Christie Street (see Appendix "A"). The purpose of the application is to permit three (3) single-family lots fronting onto Christie Street. The applicant intends to retain the existing single family dwelling and severe a lot on either side to create two (2) additional building lots.

- Land Severance Application B-00:30

The applicant filed Land Severance Application B-00:30 for severance to create three (3) lots fronting on Christie Street (See Appendix 'B'). At it's meeting of May 17, 2000 the Committee of Adjustment approved the Land Severance Application, subject to the following condition, among others:

"That the applicant/owner receive final approval of Zoning Application ZAC-00-14."

APPLICANT:

Ashok and Virbala Kumar, owner.

LOT SIZE AND AREA:

- 51.82 m (173.0 ft.) of lot frontage on Christie Street;
- 28.96 m (95.0 ft.) of lot depth; and,
- 1500.70 m² (.37 acres) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Family Dwelling	"B" (Suburban Agricultural and Residential, etc.) District
<u>Surrounding Lands</u>		
To the north and south	Single Family Dwellings	"C"(Urban Protected Residential etc.) District
To the east	Single Family Dwellings	"B" (Suburban Agricultural and Residential, etc.) District - modified
To the west	Single Family Dwellings	"B" (Suburban Agricultural and Residential, etc.) District - modified "C"(Urban Protected Residential etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 – Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas buildings height, coverage, mass, setbacks, privacy and overview;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" on the Kennedy East Neighbourhood Plan. The proposal complies with the intent of the plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:
 - Department of Public Works and Traffic Department;
 - Hamilton Region Conservation Authority; and,
 - Union Gas.
- The Building Department has advised that:
 - "1. Parts 1, 2 and 3 conform with respect to the minimum required 12.0m lot width and the minimum required 360.0m² lot area of the proposed "C" District.
 2. Subject to a land severance in the normal manner.
 3. Subject to lot grading agreements in the normal manner.
 4. The location of the two-storey brick dwelling conforms to the proposed "C" District."
- The Development Engineering Section has reviewed the application and has advised that :

"There are both public watermains and separate storm and sanitary sewers available to service the subject lands.

For the information of the applicant, under City of Hamilton Severance Application B-00:30, which was approved on May 17, 2000 the owner must obtain a private servicing easement over the existing sewer and water service connections to the existing house, if these services cross over the future lot lines. Alternatively, if these services cross the future lot lines, they could relocate them such that they would be entirely within the future lot for house # 81 Christie Street.

The Regional Transportation, Operations and Environment Division, Roads Section has no comments with respect to this application."

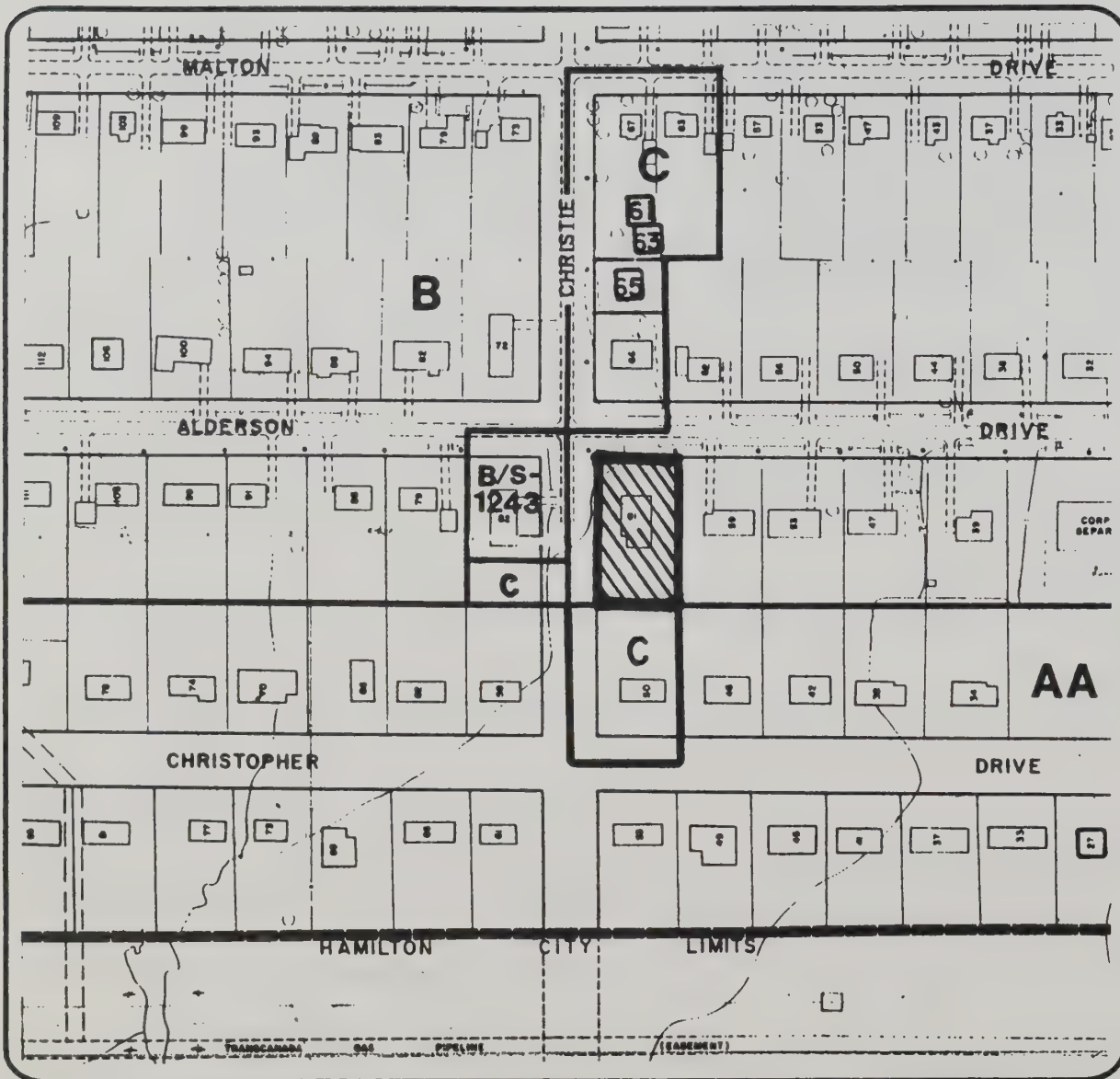
COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan which designates the subject lands "Single and Double Residential".
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Kennedy Neighbourhood Plan;
 - ii) the proposed single-family residential lots represents infill development, and is consistent with the established development in the area; and,
 - iii) it fulfils a condition of land severance approval to create three (3) lots fronting onto Christie Street.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
ZAC-00-14



<p>City of Hamilton</p> <p>Site of the Application</p>	COMMUNITY PLANNING AND DEVELOPMENT DIVISION <h2 style="margin: 0;">Location Map</h2>	
	Change in Zoning from:	
	"B" (Suburban Agricultural & Residential etc.) District to "C" (Urban Protected Residential etc.) District	
	<div style="display: flex; justify-content: space-between;"> <div> Reference file: ZAR-00-14 </div> <div> Scale Not to Scale </div> </div>	
	<div style="display: flex; justify-content: space-between;"> <div> Date May 2000 </div> <div> Technician: B.B. </div> </div>	
		APPENDIX "A"

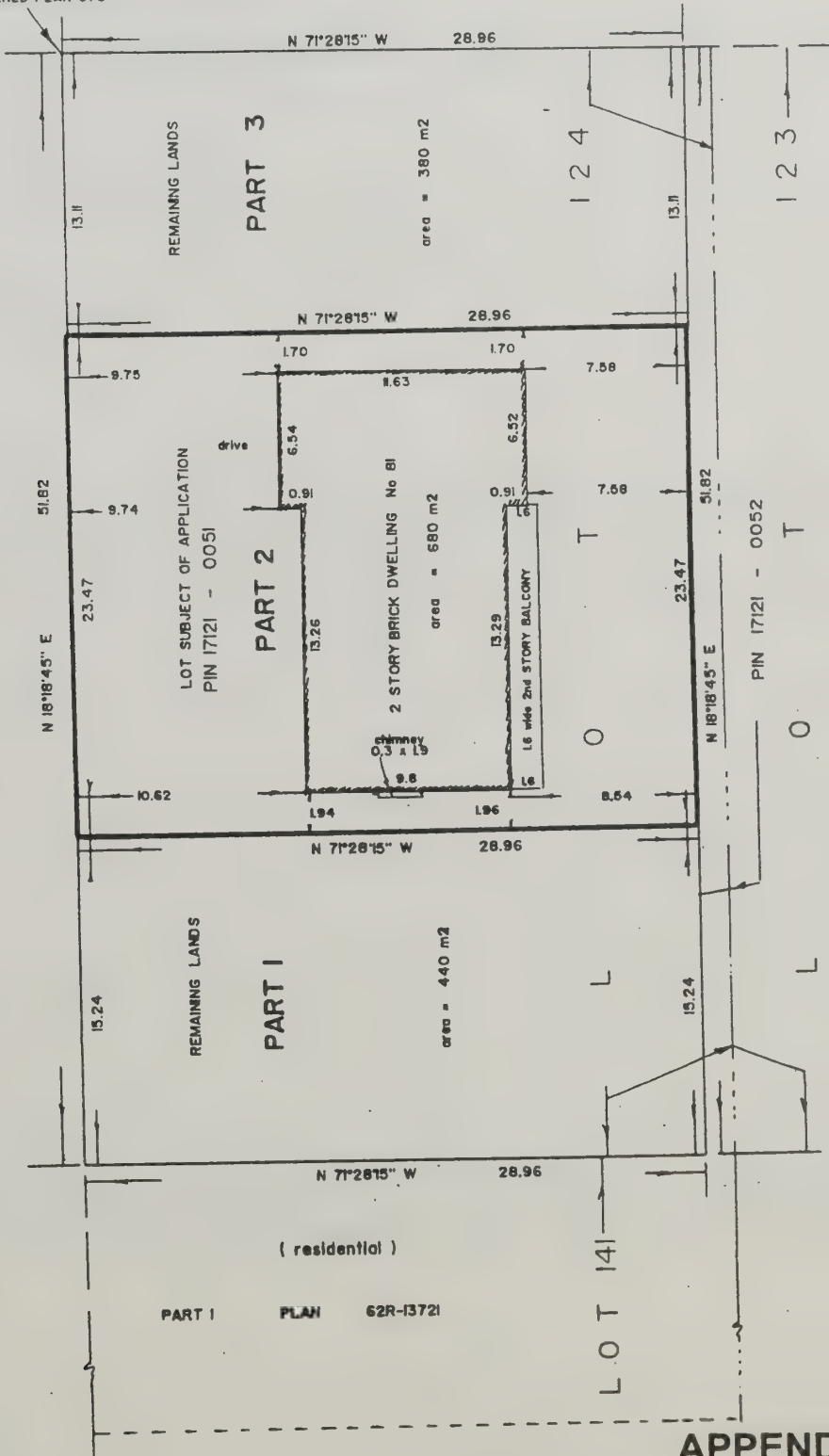
20^m WIDE PUBLIC ROAD established by REGISTERED PLAN 970 PIN 17121-0091

ALDERSON DRIVE

20^m WIDE PUBLIC ROAD established by REGISTERED PLAN 970 PIN 17121-0093

CHRISTIE STREET

NORTHWESTERLY CORNER
LOT 124 REGISTERED PLAN 970



APPENDIX "B"

CITY OF HAMILTON

2.4

- RECOMMENDATION -

DATE: 2000 June 2
ZAR-00-16
Eleanor Neighbourhood

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning – 1472 Upper Gage Avenue
(PDC00104)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-00-16 – 1472 Upper Gage Avenue, John and Barbara Crockett, owners, requesting a change in zoning from “AA” (Agricultural) District to “R-4” (Small Lot Single Family Dwelling) District, for property located at the rear of 1472 Upper Gage Avenue, as shown on the attached map marked as APPENDIX “A”, on the following basis:

- (a) That the subject lands be rezoned from “AA” (Agricultural) District to “R-4” (Small Lot Single Family Dwelling) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from “AA” (Agricultural) District to “R-4” (Small Lot Single Family Dwelling) District for lands located at the rear of 1472 Upper Gage Avenue, as shown on the attached map marked as APPENDIX “A”.

The effect of the by-law is to permit the future development of the subject lands for three (3) small lot single-family dwellings fronting onto Elmore Drive (see attached APPENDIX "B").



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

Proposal

The applicant is proposing to sever the lands at 1472 Upper Gage and rezone the rear portion to "R-4" (Small Lot Single Family Dwelling) District to permit three (3) small lot single-family dwellings fronting onto Elmore Drive. The front portion, fronting onto Upper Gage Avenue will be developed for two single-family dwellings in accordance with the existing "C" (Urban Protected Residential, etc.) District provisions. It is the applicant's intent to submit the appropriate severance applications.

By-law No. 99-150

City Council, at their meeting of October 12, 1999, passed By-law No. 99-150 which rezoned lands at the rear of 1476 Upper Gage Avenue, adjacent to the south of the subject lands, from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District. The Committee of Adjustment approved a Land Severance application on September 1, 1999, to create two (2) lots fronting on to Upper Gage Avenue and three (3) lots fronting onto Elmore Drive.

APPLICANT:

John and Barbara Crockett, owners.

LOT SIZE AND AREA:

The subject lands have:

- A lot frontage of 30.223 m on Upper Gage Avenue;
- A lot depth of 76.286 m (including the lands zoned "C" District); and,
- A lot area of 2,300 m² (including the lands zoned "C" District).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north	Single family dwellings	"D" (One and Two Family Dwellings, etc.) District, Modified
To the east	Single family dwelling	"C" (Urban Protected Residential etc.) District
To the south	Vacant	"R-4" (Small Lot Single Family Dwelling) District
To the west	Vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, among others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C. 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and area building height, coverage, mass, setbacks, privacy and overview."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" in the approved Eleanor Neighbourhood Plan. The proposal complies with the intent of the plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no comment or objection.
- The Community Planning and Development Department (Building Department) advise:

- "1. Unable to determine compliance with the proposed "R-4" District for the three (3) proposed lots as the widths and areas are not indicated. The lots shall conform to the requirements of the "R-4" District provisions.
2. The lot widths and areas of the two (2) proposed building lots located in the existing "C" District portion must conform to the requirements of the "C" District provisions.
3. Subject to a Modified Subdivision Agreement in the normal manner.
4. Subject to the issuance of a demolition permit application in the normal manner."

- The Community Planning and Development Department (Development Engineering Section) advise:

"...we advise that there are public watermains and separate storm and sanitary sewers available on Upper Gage Avenue and on Elmore Drive which can service the proposed development.

...We have reviewed this application on the basis that this zoning application only rezones lands to the rear of No. 1472 Upper Gage Avenue which will have future frontage on Elmore Drive and submit the following comments:

...We have reviewed this application on the basis that this zoning application only rezones lands to the rear of No. 1472 Upper Gage Avenue which will have future frontage on Elmore Drive and submit the following comments:

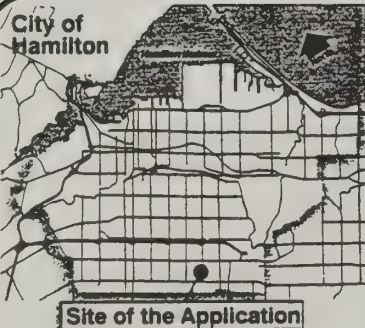
1. According to our Office records, Elmore Drive adjacent to the subject lands has been established as a public highway. There is a 0.30 m reserve on Elmore Drive adjacent to the subject lands shown as Part 2 on Reference Plan 62R-14109.
2. The applicant/owner and any future purchasers of this property should be advised that as a condition of development approval that the applicant/owner must enter into a Modified Subdivision Agreement with the City/Region for the recovery of all outstanding...servicing costs...
3. The applicant/owner and any future purchasers of lands adjacent to Upper Gage Avenue should be advised that as a condition of development or redevelopment of lands fronting on Upper Gage Avenue a road allowance widening dedication on Upper Gage Avenue to establish the property line 18.29 m from the centreline of construction, as shown on MTO Survey Plans, will be required."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of the Official Plan and the approved Eleanor Neighbourhood Plan; and,
 - The proposed small lot single-family residential development represents appropriate infill development, and is consistent with the established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Elmore Drive.
3. As noted in the Development Engineering Section's comments, the applicant/owner will be required to enter into a Modified Subdivision Agreement. Once this is done, the City will incorporate the 0.30m reserve on Elmore Drive road allowance. Both these will be required as a condition of severance.

CONCLUSION:

Based on the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application.
(1472 Upper Gage Ave.)
Change in zoning from "AA" (Agricultural)
to "R-4" (Small lot Residential etc.) District.

Reference file:
ZAR-00-16

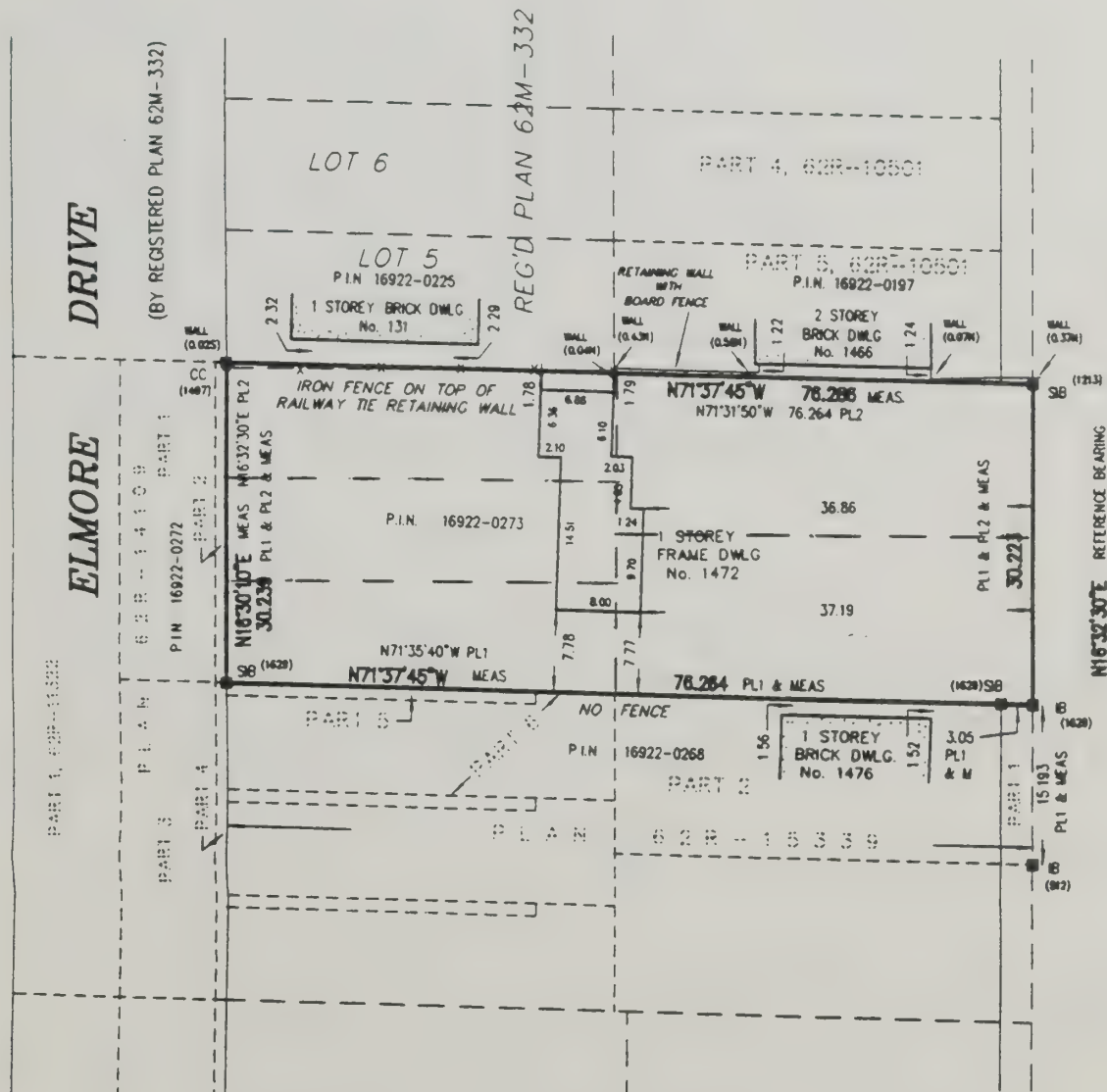
Scale
Not to Scale

Date
May, 2000

Technician:
JS

APPENDIX 'A'

PROPOSED



REGIONAL ROAD No. 163

UPPER GAGE AVENUE

P.I.N. 16925-0223

ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND 7

SURVEYOR'S REAL PROPERTY REPORT

PART 1 - PLAN

PART 2 - THIS PLAN MUST BE READ IN CONJUNCTION WITH THE SURVEY REPORT DATED MAY 1, 2000

THIS REPORT WAS PREPARED FOR:

REMAX

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1296775



THIS PLAN IS NOT VALID
UNLESS IT IS AN APPROVED
ORIGINAL COPY

LEGEND

S.I.B. - STANDARD IRON BAR
I.B. - IRON BAR
C.C. - CUT CROSS
WT. - WITNESS
U.O. - UNKNOWN ORIGIN
■ - FOUND
□ - PLANTED
PL1 = 62R-15336
PL2 = 62R-11322
PIN = P.I.N. 16922-0273

ASHENHURST NOUWENS LIMITED

Professional Engineers & Ontario Land Surveyors

315 YORK BOULEVARD, SUITE 201, HAMILTON, ONTARIO L8R 3K5
(905) 829-8316 (905) 829-4314 1-800-824-8224
FAX (905) 829-8881 e-mail: enl @ worldshel.com

BEARING NOTE: BEARINGS ARE ASTRONOMIC AND ARE REFERRED

SURVEYOR'S REAL PROPERTY REPORT PLAN OF

PART OF LOT 7, CONCESSION
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYOR'S ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 26 DAY OF APRIL, 2000.

John P. Nouwens
DATE: 2000
JOHN P. NOUWENS
Ontario Land Surveyor

DRAWN BY: BP CALC'D BY: CHK'D BY: JPN SCALE: 1:500

CITY OF HAMILTON

- RECOMMENDATION -

2.5

DATE: 2000 June 6
ZAC-00-17
Westcliffe West Neighbourhood

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Committee

SUBJECT: Request for a further modification in zoning – South east corner of
Sanatorium Road and Scenic Drive (PDC00105)

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-00-17, Columbia International College, applicant**, requesting a further modification to the "AA" (Agricultural) District to permit the conversion of the existing building for use as a student dormitory for Columbia International College, for property located at the south east corner of Sanatorium Road and Scenic Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 96-152, be further modified to the extent only of the special requirement that:
 - (i) Notwithstanding Section 4(a) of By-law 96-152 applicable to the subject lands, a private student residence for not more than 250 students attending Columbia International College shall be permitted only within the existing building;
 - (ii) For the purposes of this By-law, a "Student Residence" means a building used for the purpose of accommodating students in dwelling units or other separate quarters provided that such building may include common areas and cooking and dining facilities;
 - (iii) Notwithstanding Section 18A (1) of By-law No. 6593, not less than 200 parking spaces shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19 of Zoning By-law No. 6593, as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 be notated S-1363a;

- (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 for presentation to Council; and,
- (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "AA" (Agricultural) District regulations, for lands located at the south east corner of Sanatorium Road and Scenic Drive, as shown on the attached map marked as APPENDIX "A". -

The effect of the By-law is to permit a private student residence for not more than 250 students attending Columbia College only within the existing building.

In addition, the By-law provides for the following variances:

- a "student residence" means a building used for the purpose of accommodating students in dwelling units or other separate quarters provided that such building may include common areas and cooking and dining facilities; and,
- not less than 200 parking spaces shall be provided and maintained on the lot.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider applications to amend the Zoning By-law.

BACKGROUND:

Proposal

The applicant is requesting a further modification to the "AA" (Agricultural) District regulations to use the existing building at the south east corner of Sanatorium Road and Scenic Drive to accommodate a students' residence to accommodate up to 250 Columbia College students.

The existing building is presently used by Mohawk College as a teaching facility for the Health Sciences Program. The building was originally constructed and used as a residence for nursing school students and has been designed to include similar facilities required by the applicant. For example, the building currently contains +/- 150 rooms, which would be converted to dormitory rooms. In addition, an existing central cafeteria will continue to be utilized for meals (ie. no kitchen facilities will be provided within the rooms). Students will be

bussed from the residence to the college campus at Main Street West. However, there are approximately 230 existing parking spaces adjacent to the building which will be maintained (see APPENDIX "B" attached). The applicant is intending to make internal modifications to the building and does not contemplate external changes to the building or grounds at this time.

The subject property is approximately 4.8 ha (12 acres). A number of administrative buildings exist to the south of the proposed residence. Accordingly, it is the applicant's intent to make an application for consent of the proposed residence (ie. 2.36 ha (5.8 acres)) from the remainder of the property (see APPENDIX "C" attached).

Official Plan Amendment No. 135 and By-law No. 96-152

Official Plan Amendment No.135 and By-law No. 96-152 implement the findings of the Chedmac Neighbourhood Plan review. O.P.A. No. 135 designated the subject lands, in conjunction with adjacent lands to the west and south, as "Institutional" in recognition of their association with Chedoke-McMaster Hospitals. By-law No. 96-152 reflects the Official Plan designation and limits permitted uses to hospital and accessory medical uses and related parking, day nursery, a residential care facility for not more than 40 persons; a sanatorium; medical offices; and a laboratory.

By-law No. 89-220

City Council, on July 26, 1989, passed By-law No. 89-220 to modify the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to lands located at 1033 Main Street West (at the south west corner of Main St. West and the access ramp to Highway 403) for:

- a commercial school for secondary school level education (Columbia International College); and,
- a combined lodging house and multiple dwelling with not more than 9 multiple dwellings and not more than 198 students in the lodging house who are students of the commercial school.

The proposed students' residence is to provide additional accommodation off-site for students attending Columbia International College at 1033 Main St. West.

Zoning Application 00-06

At its meeting of May 9, 2000, Council adopted the recommendation of the Planning and Development Committee to approve Zoning Application 00-06 to permit a modification to the established "C" District zoning for lands located at 1015 Main Street West. The purpose of the application is to permit a commercial school (Columbia College) for secondary level education within the existing building (former Ainslie Wood Vocational School).

Committee of Adjustment Application A-95:137

At its meeting of July 5, 1995, the Committee of Adjustment approved Application A-95:137 to permit the conversion of an existing hotel for use as a private student residence for 300

students on lands located at 55 Catharine Street South in conjunction with Columbia International College. Further, the existing 111 car parking spaces on the site were to be maintained.

APPLICANT:

Columbia International College, applicant.

LOT SIZE AND AREA:

Proposed Residence

- A frontage of approximately 304m (997 feet) on Sanatorium Road;
- A variable depth; and,
- A lot area of approximately 2.36 ha (5.8 acres).

Total Property

- A frontage of approximately 465m (1,525 feet) on Sanatorium Road;
- A variable depth; and
- A lot area of approximately 4.85 ha (11.9 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Mohawk College teaching facility	"AA" (Agricultural) District, modified
<u>Surrounding Lands</u>		
To the north	Baseball diamond	"AA" (Agricultural) District, modified
To the east	Single family dwellings	"B-1" (Suburban Agricultural and Residential, etc.) District and "B-2" (Suburban Residential) District
To the south	Institutional	"AA" (Agricultural) District, modified

To the west

Stormwater management
pond and vacant

"A" (Conservation, Open
Space, Park and Rec-
reation) District

OFFICIAL PLAN:

The subject lands are designated **Major Institutional** on Schedule "A" – Land Use Concept of the Official Plan. The following policies, amongst other, apply:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsection A.2.1 and C.7 of this Plan.

A.6.1.2(ii) It is intended that the Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule "J-1" – Chedmac Planning Area Secondary Plan, Subsection A.2.6 – Major Institutional Uses of this Plan and the following policies:

- a) New major institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New major institutional recreational facilities shall be designed in a comprehensive manner with existing recreational facilities.
- c) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals shall be designed to mitigate any negative impact on adjacent residential development."

Policy A.6.1.2 pertains to new major institutional uses, and does not preclude the adaptive re-use of the subject lands. In this regard, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are in the Westcliffe West Neighbourhood. There is no approved plan for this Neighbourhood.

COMMENTS RECEIVED:

- The Department of Public Works and Traffic and the Hamilton Region Conservation Authority have no comments or objections.
- The Community Planning and Development Division (Development Engineering Section) advises:

"...there are public watermain and separate storm and sanitary sewers available to service the subject lands. There is an existing 300mm Regional watermain within a 6.1 m wide easement over the lands. The easement and watermain extend from the west limit of Leslie Avenue to the intersection of Scenic Drive and Sanatorium Road. No permanent structures will be allowed to be constructed within the Region's easement.

According to our records the existing road allowance width of Scenic Drive and Sanatorium Road is 20.12m. Under Tiffany Plan of Subdivision we requested a road widening on the eastside of Sanatorium Road and a daylight triangle at the intersection of Scenic Drive and Sanatorium Road. We understand that these lands will be developed through site plan control and we will require as a condition of site plan approval that these matters be completed, if not done so already.

Further comments on the driveway accesses, motorists sight lines, grading, etc. will be submitted at such time as site plan application is submitted for this property."

- The Community Planning and Development Division (Building Department) has advised that:
 - "1. Confining the use to the "existing building" will limit any expansion on site permitted by S-1363 section 4(b)..."
 3. The proposed use is best described as a "student residence" as defined in 2.(2)A.(xiab), but its reference to the National Housing Act is not relevant.
 4. Parking space requirements cannot be established from Section 18A, Table 1, as the proposed use is neither a Student Residence of Class A dwelling units, nor it is a building of housekeeping units, nor a hostel (18A. Table 1, (h), (l) and (j) respectively). However, "AA" District parking requirements are for "parking spaces to such a number as is reasonably necessary" [Section 8.(1)(xvi)] so the by-law might define the existing +/- 230 spaces as such.
 5. Site Plan Control of this site was established by By-law 96-153.
 6. Conversion back to a residence must proceed under a building permit."

COMMENTS:

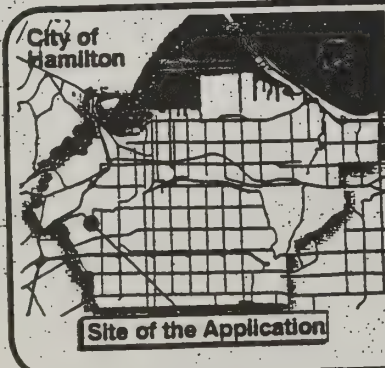
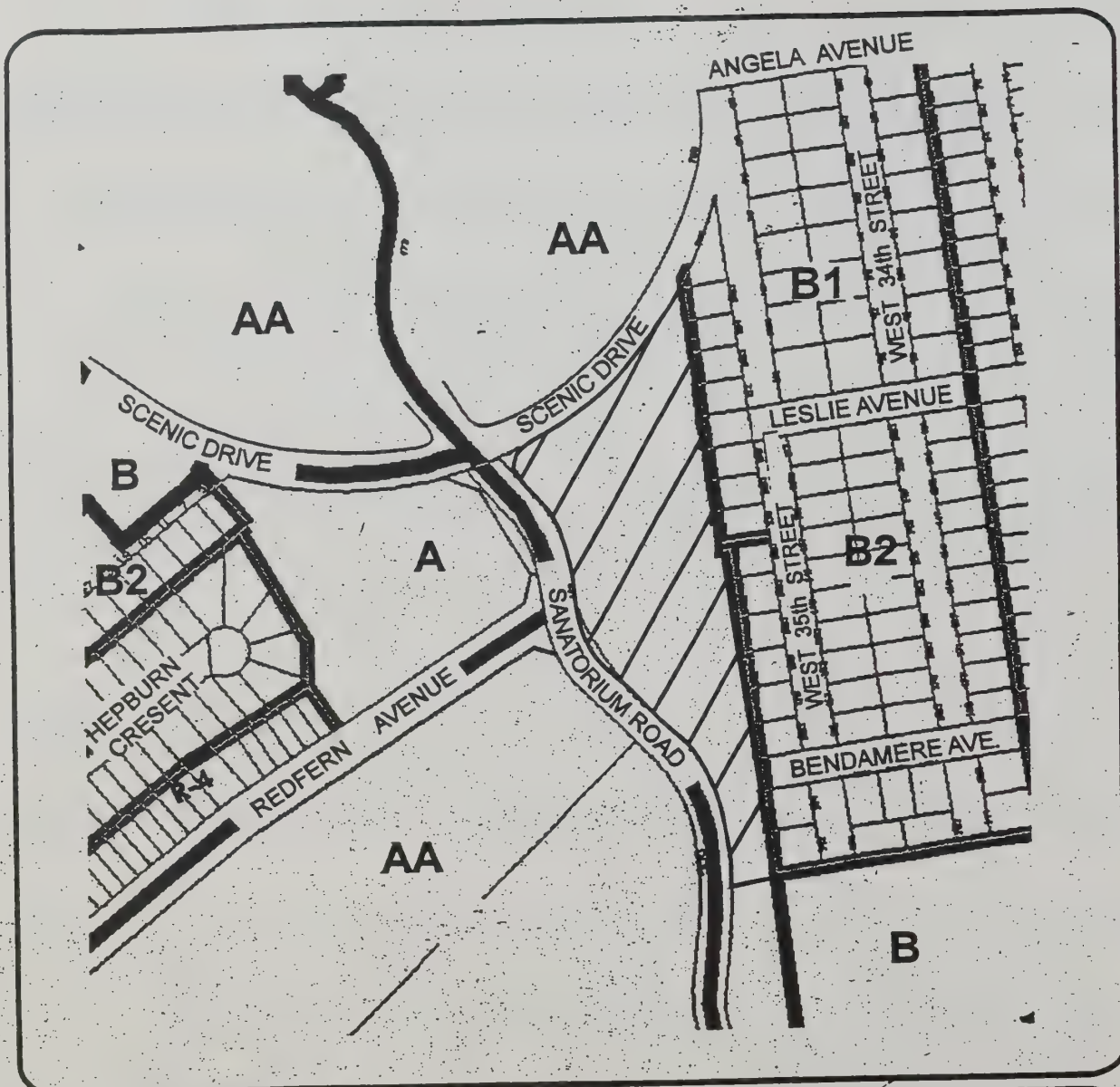
1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported on the following basis:
 - It is an adaptive re-use of the existing building. In this regard, it is the applicant's intent to convert the +/- 150 rooms to dormitory rooms, and maintain the existing central cafeteria for meals;
 - A student dormitory/ residence is no less feasible than the previous use as a nurses' residence; and,
 - It will be compatible with the remaining hospital facilities and surrounding residential uses.
3. The Building Department advises that these lands were placed under Site Plan Control by By-law No. 96-153 as part of the Mountview Neighbourhood Plan review and subsequent Official Plan Amendment No. 135 and Zoning By-law No. 96-152. On this basis, the concerns of the Roads Section relating to access, grading, parking, landscaping can be addressed. As noted previously, the applicant does not contemplate any exterior changes to the buildings or lands at the present time.
4. By-law No. 6593 defines a student residence as "a building used for the purpose of accommodating students in dwelling units or other separate quarters and erected under the National Housing Act, provided that such building may include common areas and cooking and dining facilities". Since it is the applicant's intent to use the existing building, the reference in the By-law definition to the National Housing Act does not apply. In this regard, it is appropriate to include a definition of "student residence" without reference to the National Housing Act.
5. By-law No. 6593 requires 1 parking space per Class A dwelling unit for a "student residence not located on a campus, containing separate dwelling units for each student". The by-law requires 1 parking space per 2 persons for a lodging house. It is the applicant's intent to convert the existing +/- 150 rooms to dormitory rooms, that are not considered Class A dwelling units, for a maximum of 250 students. The existing parking area adjacent to the building presently accommodates approximately 230 parking spaces whereas, the By-law would require approximately 125 to 150 parking spaces depending on classification of use.

In this regard, although there are approximately 230 parking spaces, the applicant's agent cannot confirm whether these spaces comply to by-law requirements with respect to minimum length and minimum width. Further, the applicant's agent has advised that a minimum requirement of 200 spaces would be acceptable. Therefore, it is appropriate to include a variance to require 200 of the existing spaces to be provided and maintained.

CONCLUSION:

Based on the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application

Further modification to the "AA" (Agricultural District.)

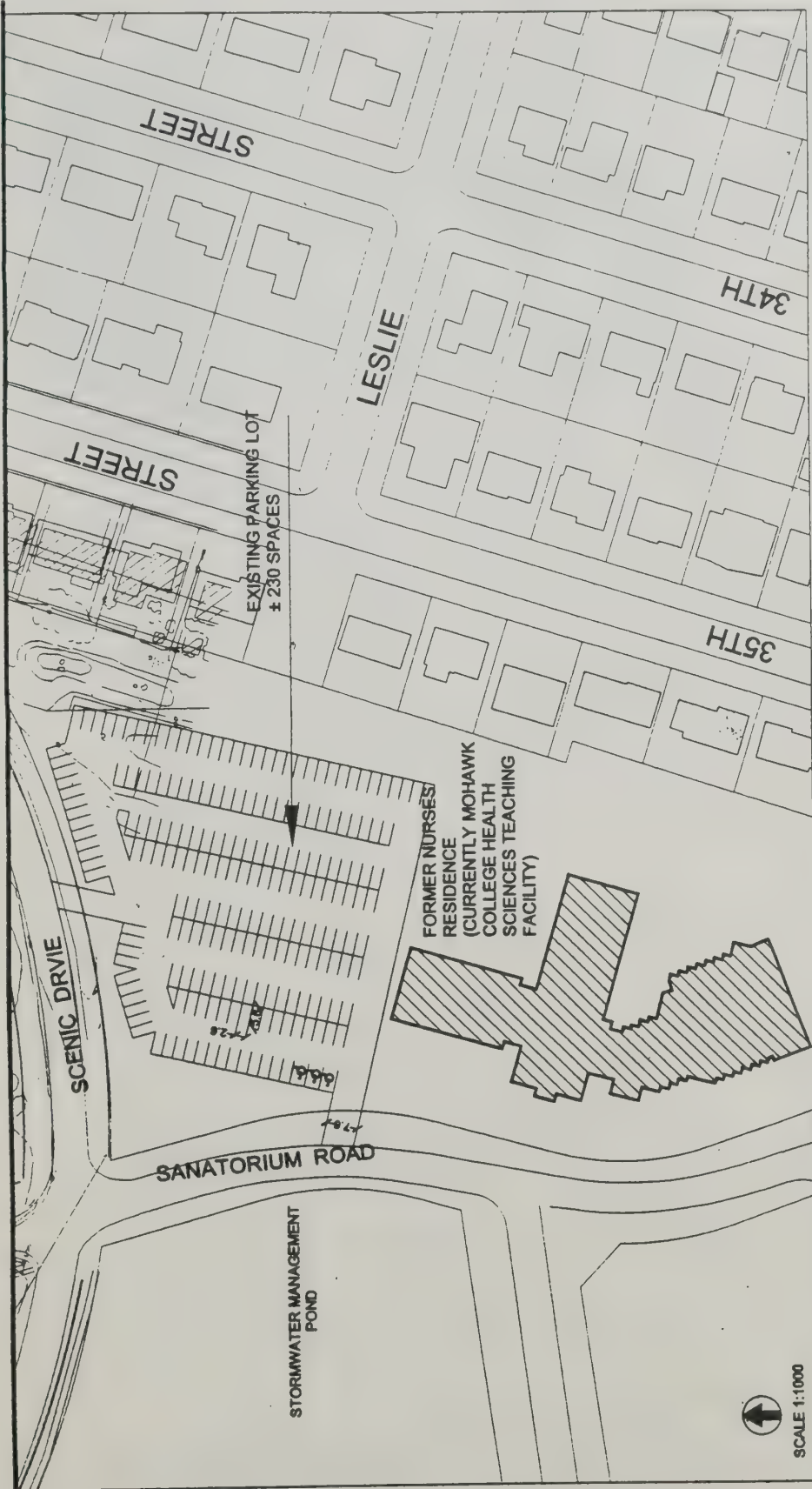
Reference file:
ZAC-00-17

Scale
Not to Scale

Date
May, 2000

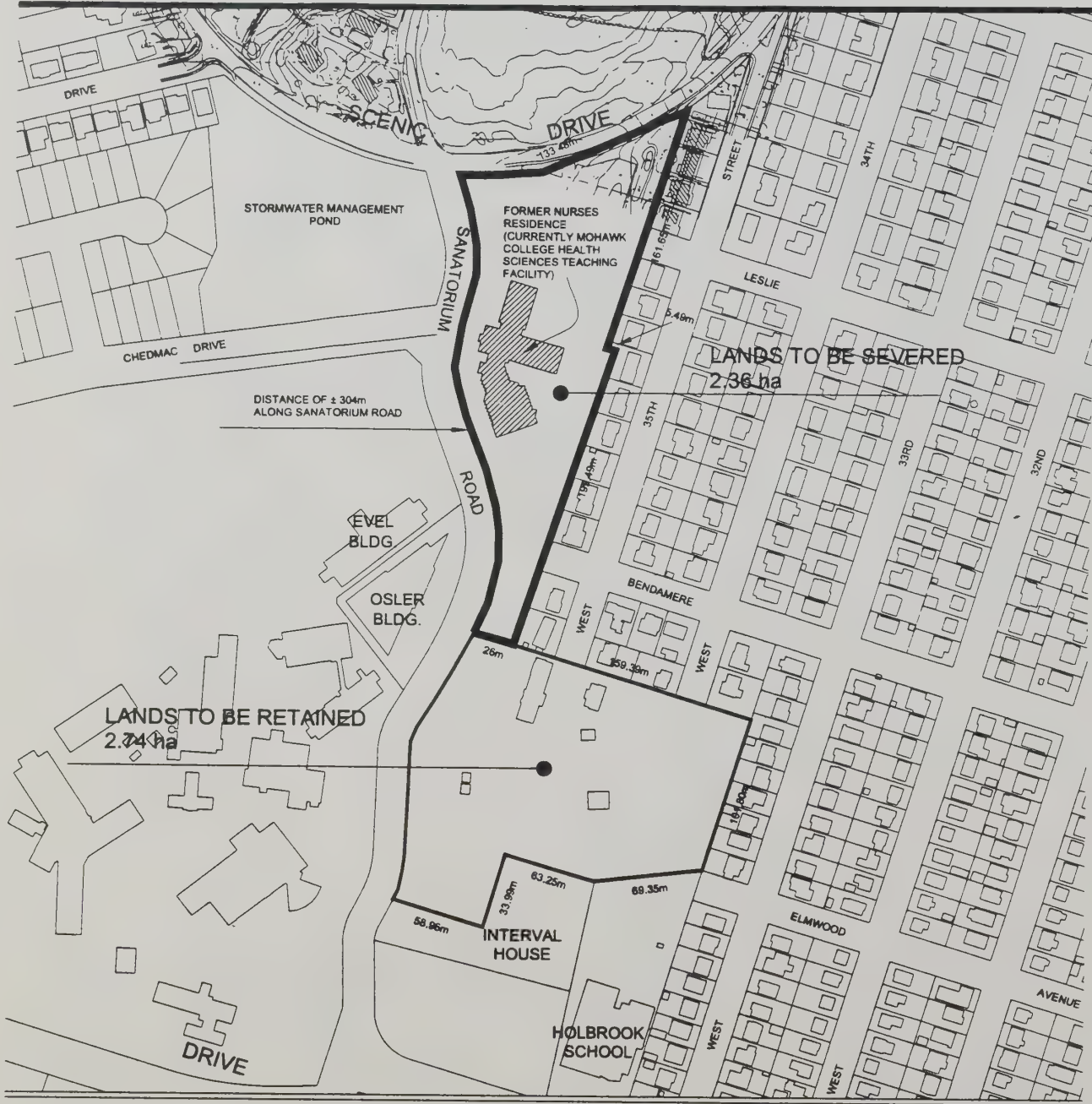
Technician:
JS

APPENDIX 'A'



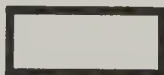
SKETCH PLAN OF EXISTING PARKING LOT
PROPOSED COLUMBIA COLLEGE RESIDENCE

W. P. PINE, JR. & ASSOCIATES, LTD.
COLUMBIA COLLEGE, ILLINOIS



MAP 1

PROPOSED COLUMBIA COLLEGE RESIDENCE



LANDS SUBJECT TO ZONING BY-LAW AMENDMENT APPLICATION



BUILDING SUBJECT TO PROPOSED CONVERSION



SCALE 1:4000

PPM MAY, PIRIE, DAKIN & ASSOCIATES LIMITED
LAND USE PLANNING CONSULTANTS
2310 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO
L7R 3M1 (905) 632-4000 (Toll) 632-5520

3.1

MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday May 24, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman M. Kiss, Alderman A. Horwath, Alderman D. Wilson, Alderman T. Jackson, Alderman D. O'Sullivan, L. Coveyduck, P. Mallard, B. Janssen, G. Paparella, J. Lakatos, J. Spolnik, E. Switinky, N. Smith, H. Vastis, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **Request for a Change in Zoning for Nos. 801 & 803 King Street West and 80, 86 and 90 Carling Street (ZAC-00-07)(PDC00091) (Item 2.2)**

That approval be given to Zoning Application ZAC-00-07, Citadel Properties Limited, prospective owner, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District, modified, to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified, to permit a nine storey, 40 unit, condominium apartment building, for lands located at Nos. 801 & 803 King Street West and 80, 86 & 90 Carling Street, as shown on the attached Map marked as APPENDIX "A", on the following basis:

- (a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the lands until such time as:

- (i) The owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) The owner submits a traffic noise assessment study, prepared by a qualified consultant, investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in the By-law, by enactment of an amending By-law once the conditions are fulfilled.

- (b) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District.
- (c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (i) Notwithstanding Section 11.(2)(ii), no building or structure shall exceed a height of 9 storeys or 28.5 m.
 - (ii) Notwithstanding Section 11.(3)(i)(b) a front yard of a depth of at least 6.0 m shall be provided and maintained from the Carling Street front lot line.
 - (iii) Notwithstanding Section 11.(3)(ii)(b) a westerly side yard of a width of at least 3.9 m shall be provided and maintained and an easterly side yard width of at least 2.1 m shall be provided and maintained.
 - (iv) Notwithstanding Section 11.(5) a multiple dwelling shall have a maximum gross floor area of 5,443.94 m² and a maximum of 40 class A dwelling units.
 - (v) Section 18.(3)(ii) shall not apply to the subject lands.
 - (vi) Notwithstanding Section 18.(3)(vi)(cc), balconies may encroach a maximum of 1.2 m into a required front yard.

- (vii) Notwithstanding Section 18A.(1)(c), one loading space having minimum dimensions of 9.0m long x 3.7m wide x 4.3m high shall be provided and maintained for a multiple dwelling.
- (viii) Notwithstanding Section 18A.(14g), a parking area may be provided within a required front yard provided it is setback a minimum distance of 3.0 m from the King Street West front lot line and a minimum distance of 6.0 m from the Carling Street front lot line.
- (ix) A minimum 1.5 m wide planting strip shall be provided and maintained along the entire westerly and easterly side lot lines.
- (x) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly side lot line, provided that a visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
- (xi) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire easterly side lot line, except that:
 - 1. A visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
 - 2. No visual barrier shall be required for that portion of the easterly side lot line where an access driveway to an underground parking area is adjacent to a multiple dwelling to the east.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1446, and that the subject lands on Zoning District Map W23 be notated S-1446.
- (e) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W23 for presentation to City Council.
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Request for a Change in Zoning for 12-14 Brantdale Avenue (ZAC-00-09) (PDC00086) (item 2.3)

That approval be given to Zoning Application ZAC-00-09, Locane Holding Inc. owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District, modified to permit the development of a semi-detached dwelling, for property located at 12-14 Brantdale Avenue, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District;
- (b) That the "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, be amended only to the extent of the following special requirement;
 - (i) notwithstanding Section 10(4)(ii), a minimum lot width of 15.2 m shall be provided and maintained;
- (c) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S-1447, and that the subject lands on Zoning District Map W-7 be notated S-1447;
- (d) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-7 for presentation to Council; and,
- (e) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (Item 2.4)

That approval be given to amended Zoning Application ZAC-00-13, Sterling Honda (c/o J. LaCluse), owner, for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District for lands located east of Upper James Street, south of Regina Drive and known municipally as 1489 – 1523 Upper James Street, as shown on the attached map marked as APPENDIX "C", on the

following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593, as amended by By-law Nos. 88-135 and 90-145, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - (i) That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (1) Automobile sales and leasing establishments;
 - (2) An automobile body/fender repair shop and paint shop provided that it is accessory to and located within the same building as an Automobile sales and leasing establishment;
 - (3) A private manual/mechanical carwash provided that it is accessory to and located within the same building as an automobile sales and leasing establishment;
 - (4) A business identification sign that is a ground sign, subject to the following requirements:
 - (a) Not more than one sign shall be permitted for each Automobile sales and leasing establishment;
 - (b) A height of at least 3.0 m shall be provided from the ground to the bottom of the sign;
 - (c) The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
 - (d) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;
 - (5) A business identification sign permanently affixed to the decorative wall structure subject to the following requirements:
 - (a) The sign shall not be more than 50% of the height of

the structure.

- (b) The total aggregate area of the sign shall not exceed 25% of the aggregate area of the structure parallel to the daylight triangle.
 - (c) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (ii) That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a decorative wall structure shall be provided and maintained at the north-west corner of the property on the following basis:
 - (1) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0 m from each end thereof along the northerly and westerly lot lines;
 - (2) Said structure shall be located within the landscaped planting strip;
 - (3) The height of said structure parallel to the daylight triangle shall be not less than 1.2 m and not more than 2.0 m;
 - (4) The height of said structure appurtenant to the northerly and westerly lot lines shall be not less than 1.0 m, except for the last 5.0 m which shall be not less than 0.6 m; and,
- (iii) That notwithstanding section 13.(3)(i) of Zoning By-law No. 6593, a minimum front yard setback of 24.0 m shall be provided and maintained;
- (iv) That the total aggregate area for signage referred to in Subsections (i)(4) and (i)(5) shall not be more than 0.1 m² per 0.3 m of street frontage on Upper James Street;
- (v) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
 - (a) For any area used for vehicular access; and,
 - (b) That a minimum 6.0 m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.

- (b) That the Corporate Counsel be directed and authorized to prepare a By-law for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1069b, and that the subject lands on Zoning District Maps E-9D be notated as S – 1069b;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved site plan for the subject lands be required to incorporate the applicable provisions of the "Urban Design Guidelines for Upper James Street Corridor"; and,
- (f) That the implementing By-law not be presented to Council until the applicant has withdrawn the appeal of the Committee of Adjustment decision on Committee of Adjustment Application A-00:36 and the Ontario Municipal Board has advised that the appeal has been withdrawn.

4. Request for Removal of the Holding Zone for Lands Located at 649 Upper James Street (ZAR-00-12)(PDC00087) (Item 2.1)

- (a) That approval be given to Zoning Application ZAR-00-12, 1136193 Ontario Inc., (Hussein Ghaddar), owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for a convenience food store, for property located at 649 Upper James Street, as shown on the attached map marked as APPENDIX "D"; and,
- (b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-263, and Zoning District Map E-7, for presentation to City Council.

5. Demolition of 277 Barton Street West – (PDC00084) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 277 Barton Street West in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

6. Demolition of 279 Barton Street West – (PDC00085) (Item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 279 Barton Street West in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Request for Validation Certificate for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 66 and 68, inclusive, Reg. Plan 62M-872, "Effort Gardens, Phase 1" (PDC00096) (Item 4.3)

- (a) That approval be given to the request for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, located in "Effort Gardens, Phase 1", Registered Plan 62M-872, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "E"; and,
- (b) That the Corporate Counsel be directed and authorized to prepare a by-law to legalize the creation of maintenance easements for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, Registered Plan 62M-872 "Effort Gardens, Phase 1".

8. Commercial Property Improvement Loan Program, 544 Concession Street (HSB00008) (Item 4.5)

That a Commercial Property Improvement Loan in the amount of thirteen thousand, five hundred and seventy-one dollars (\$13,571) to Joseph and Gabrielle Marion for improvements to 544 Concession Street be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.

9. Downtown Hamilton BIA, Appointment to the Board of Management (PWT00098) (Item 4.6)

- (a) That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Eddy Foo	150 King Street East, Ramada Plaza Hamilton
Charlotte Fournier	77 King William Street, The Border Bar and Grill

- (b) That the following individual be removed from the Downtown Hamilton B.I.A.'s Board of Management:

Reg Titian 27 John Street North, Reggies' Music and Sound

10. Proposed Public/Private Agreement for the Buchanan Estate (PDC99098B)

- (a) That staff be authorized and directed to enter into negotiations, based on the Principles as set out in Appendix "F", on a without prejudice basis, with 1333786 Ontario Limited, for the purposes of entering into a Public/Private Agreement for the entire Auchmar property, on or before July 7, 2000, failing which, the City will proceed to complete the Agreement of Purchase and Sale dated June 18, 1999 and the Agreement Amending The Agreement of Purchase and Sale dated September 13, 1999, which agreements calling for a closing date of no later than July 30, 2000;
- (b) That the Public/Private Agreement be brought back to Committee and Council for approval;
- (c) That staff be authorized and directed, in accordance with the City's Real Property Sales Procedural By-Law No. 95-049, to commence immediately the internal circularization of the Auchmar property and cause a report to be brought back to Council with respect to having the property declared surplus to the requirements of the City;
- (d) That the General Manager, Community Planning & Development, be directed to conduct public information sessions.

11. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-023 A By-law to Amend Zoning By-law No. 6593 Respecting: Land Located at Municipal No. 130 Bay Street.
- (b) C-024 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of the Future Extension of Greywood Road, South of Glenview Place.
- (c) C-025 A By-law to amend Zoning By-law No. 6593 and to Repeal Zoning

By-law No. 00-074 Respecting Lands Located West of James Street North and East of Bay Street North and South of the CN Railway Line.

- (d) C-026 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-263 Respecting Lands Located at Municipal No. 649 Upper James Street.
- (e) C-027 A By-law to Repeal Site Plan Control By-law No. 98-206 Respecting Lands Located East of West 5th Street and North of Stone Church Road West.
- (f) C-028 A By-law to Establish Site Plan Control Respecting Lands Located East of West 5th Street and North of Stone Church Road West.
- (g) C-029 A By-law to Amend Zoning By-law No. 6593 Respecting Land at Municipal No. 90 Kinrade Avenue.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – May 3, 2000 (Item 3.1)**
May 9, 2000 (Item 3.2)

The Minutes of the meeting held May 3, 2000 were adopted.

The Minutes of the meeting held May 9, 2000 were adopted.

- (c) **Request for a Change in Zoning for Nos. 801 & 803 King Street West and 80, 86 and 90 Carling Street (ZAC-00-07)(PDC00091) (Item 2.1)**

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The following submissions were received:

- (i) Mr. R. Mason, 10 Papradise Rd. North
- (ii) Dean Robinson, 804 & 816 King Street West
- (iii) Mr & Mrs. Wood, 31 Paradise Road South
- (iv) Arthur Weiss

Paul Mallard gave a brief overview of the report and advised that of 102 notices circulated, 3 replied in favour and 21 opposed.

Arthur Weiss was present in support of his application. He stated that the building will be a condominium and the units will cost between \$150,000 and \$175,000. These units are geared to residents in the Westdale area who can no longer maintain single-family homes but wish to remain in the area. This property has been vacant for many years and this will be an improvement.

The following people were present and made oral submission in opposition to the development:

- Taylor Anderson, owner of 797 King Street West
- Elizabeth Maher, owner of 89 Carling Street
- Francis Hinchliffe, owner of 87 Carling Street
- Rose Kriderman, operating a business at 789 King Street West
- Brad Strain of 12 Paradise Road North
- Vic Swan of 802 King Street West
- Brian Walker of 27 Paradise Road South
- Dean Robinson, owner of 804 and 816 King Street West (who also submitted a petition of against the development)

Concerns raised by those present were as follows:

Lack of privacy, non-compatibility of the building to the surrounding area, decrease in property value, lack of airflow and sunlight, vandalism, noise and garbage pollution, traffic, lack of parking, student occupancy of units.

Alderman Caplan was in favour of the proposal stating that there needs to be in-filling and a balance of development as it contributes to the tax base. It is in keeping with the zoning standards.

Alderman Copps stated that new development should not have a negative impact on the existing neighbourhood. The taxes generated will be used to provide services to the tenants.

Alderman Kiss is opposed stating that the neighbourhood plan review

should be completed prior to any new development occurring.

In response to a question from Alderman Corsini, Paul Mallard advised that other high rises in the area are 6 to 8 stories in height. The current by-law permits 8 stories or 26 metres in height. The proposal for condos is 26 metres in height.

In response to a question from Alderman Haining, Paul Mallard advised that tenancy and occupancy cannot be regulated.

A motion was introduced to table the matter and was lost.

Recorded Vote on the main motion:

Yeas: Aldermen Caplan, Corsini, Haining, Eisenberger, Charters, Kelly, D'Amico	-7
Nays: Alderman Copps	-1
	Carried

(d) Request for a Change in Zoning for 12-14 Brantdale Avenue (ZAC-00-09) (PDC00086)(Item 2.3)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. Of 119 notices circulated 7 replied in favour and 0 opposed.

The proponent, Sean Murray of 557 Fennell Avenue East was present in support of his application.

(e) Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (Item 2.4)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

A submission was received from Robert. C. & Mary Lou Dickson, 1428 Upper James St.

Paul Mallard reviewed the report and advised that there are 3 main items that the applicant is not in agreement with. They want to provide 4.5 metre landscaping strip in the rear whereas the bylaw requires 9.1 metres, they would like 3 pylons erected 6 metres from the roadway, whereas the urban design guidelines require 24 metres, and they have an outstanding appeal with the Ontario Municipal Board on a Committee of Adjustment decision which they are not prepared to withdraw.

Mr. Manchia introduced Mr. Lecluse, owner of sterling Honda. He thanked staff for expediting the application. He advised that he would like a minor amendment to the recommendation to indicate that the car wash is mechanical as well as manual. He stated that the pylons are consistent with those at Philthy McNasty's. He advised that the establishment next door only has a 3 metre landscape buffer in the rear of the property. Respecting the landscaping Mr. Manchia stated that the 4.5 metre strip will include a berm. He requested that the Clerk not sign the by-law until the appeal is withdrawn from the OMB.

Walter Morrissey of 106 Springside Drive representing the Knights of Columbus who own property adjacent to the lands in question was present. He stated that there is an outstanding court case with the previous owners of the property regarding the fact the land was originally to be used for a shopping mall.

Robert Morris of 1452 Upper James Street was present. He stated that the pylons at Philthy McNasty's are illegal and that the building Department is taking steps to have them removed. The streetscape is becoming garish. If certain conditions are not agreed upon by the proponent, it will be impossible for public input at the site plan stage. If the recommendation is approved, he requested that the owners of the dealership be prohibited from having speaker or PA announcements.

Anthony DiCenzo was present to represent the owners to the East of the property. He disputed that a 4.5 metre landscape strip would be an adequate buffer to a residential area. His client supports approval of the application subject to a 9.1 metre landscape strip being required along the rear of the property.

Nancy Smith advised that the Legal case involving the Knights of Columbus is a private lawsuit and should not have a bearing on the application before the Committee.

Following discussion the recommendation was approved as amended to include the fact that the car wash is mechanical, with direction that staff, the ward aldermen and the proponents meet to discuss possible compromises regarding the setback of the Pylons, and the size of the rear landscape strip.

* Alderman Copps was opposed to the main motion.

(f) **Request for Removal of the Holding Zone for Lands Located at 649 Upper James Street (ZAR-00-12)(PDC00087) (Item 2.1)**

The Chairman advised that this is not a Public Meeting under the Planning Act.

(g) **2000 Commemorative Plaque- Crystal Palace Grounds (PDC00100) (Item 4.4)**

The Chairman advised and the Committee concurred that that this item is to be withdrawn from the agenda as it has already received Council approval.

(h) **Information Items (Item 4.7)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

(i) Canadian Mortgage and Housing Corporation re: RRAP extension to June 30, 2000 dated May 11, 2000.

(ii) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (seventh report) PDC99088F dated May 17, 2000.

(i) **Site Plan Control Application DA-99-60 for Property at 30 Queenston Road and a Portion of the Adjacent Hydro Corridor (PDC00092) (Item 5)**

Joe Lakatos gave the Committee a brief presentation.

Bruce Hoppe, Planner for Tim Hortons, Jim Goth, traffic engineer and Anthony Dicenzo were present.

Mr. Hoppe stated that Tim Hortons is far exceeding the requirements that the City requires. They have entered into long term agreements with Ontario Hydro. Over 50% of the property will be landscaped.

Alderman Copps felt that is a dangerous location for traffic.

Alderman Wilson asked for additional trees and requested that right turns on Cochrane Road be prohibited. Noise after 11 p.m. is also a concern.

Alderman Caplan advised that the Tim Hortons at King and South Oval is not complying with the City By-laws.

Following discussion the Committee approved the site plan as amended as follows:

That approval be given to Site Plan Control Application DA-99-60 by TDL Group LTD., Lessee, of lands at 30 Queenston Road and a portion of the adjacent hydro corridor for a Tim Horton's Coffee Shop and a drive-thru, as shown on the attached map marked as Appendix "G", subject to the following:

- (a) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plan;
- (b) submission of a revised grading plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (c) provision of the appropriate landscape agreement with the City of Hamilton and the Region of Hamilton-Wentworth for landscaping in the Cochrane Road and Queenston Road road allowances; and,
- (d) inclusion of an acknowledgement clause, in the site plan agreement, stating that should the TDL Group Ltd. lose it's legal right to use Ontario Hydro lands, the drive-thru aspect of the development would cease to operate.
- (e) that the following additional red-lines be applied to the plans and drawings:

- (i) additional landscaping to be provided within landscape area at the rear of the building and along the westerly side of the building within hydro corridor to mitigate potential noise from the drive-thru next to the residential district;
- (ii) the drive-thru speakers to be low level speakers;
- (iii) the access driveway to Cochrane Road to be redesigned to limit vehicles from turning right onto Cochrane and head south (i.e. direct Tim Hortons traffic to Queenston Road).

* Alderman Copps opposed to the main motion.

(f) **DELEGATION**
Demolition of 14 Belvidere Avenue (information report) (PDC00103)
(item 6)

Mr. Clair Sellens owner of 14 Belvidere Avenue was present to request that the condition to rebuild within 2 years of demolition be waived. He stated that he is unable to build within 2 years and that demolition is preferable over having the building there since it is a location to which the police and fire department are called on a regular basis. Once there is no building, the land will be easier to maintain.

Jim Leach of 10 Belvidere Avenue was present and is in favour of the demolition but only on the condition that the property be maintained. The property is littered, the snow is not removed and it is overgrown with vegetation.

Patty Duarte of 1 Belvidere Avenue concurred.

In response to a question from Ms. Duarte, the Chairperson advised that at present the property is zoned single-family but an application for rezoning can be brought forward to the City at any time.

Alderman Kelly was concerned with the condition of the property. He would like to know if snow removal was conducted by the Public Works division and placed on taxes.

Alderman Eisenberger felt that if the demolition is permitted and the condition to rebuild is waived, rigorous property standards should be enforced.

Following discussion the Committee resolved that the matter be tabled and that staff be directed to meet with the residents and the owner in order to determine maintenance standards for the property should the building be demolished pursuant to the rebuilding being waived, and report back to Committee.

(g) PRIVATE AND CONFIDENTIAL ITEM- Legal Matter (Item 7)

**Proposed Public/Private Agreement for the Buchanan Estate
(PDC99098B)**

The Committee resolved to adjourn into closed session and reconvened immediately thereafter with a report.

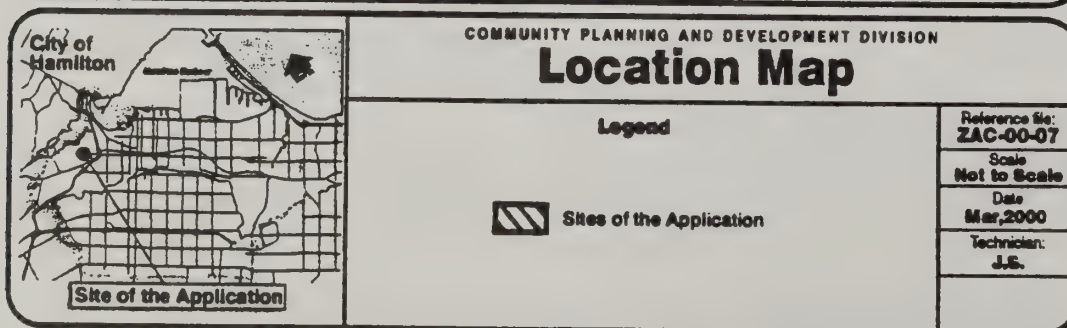
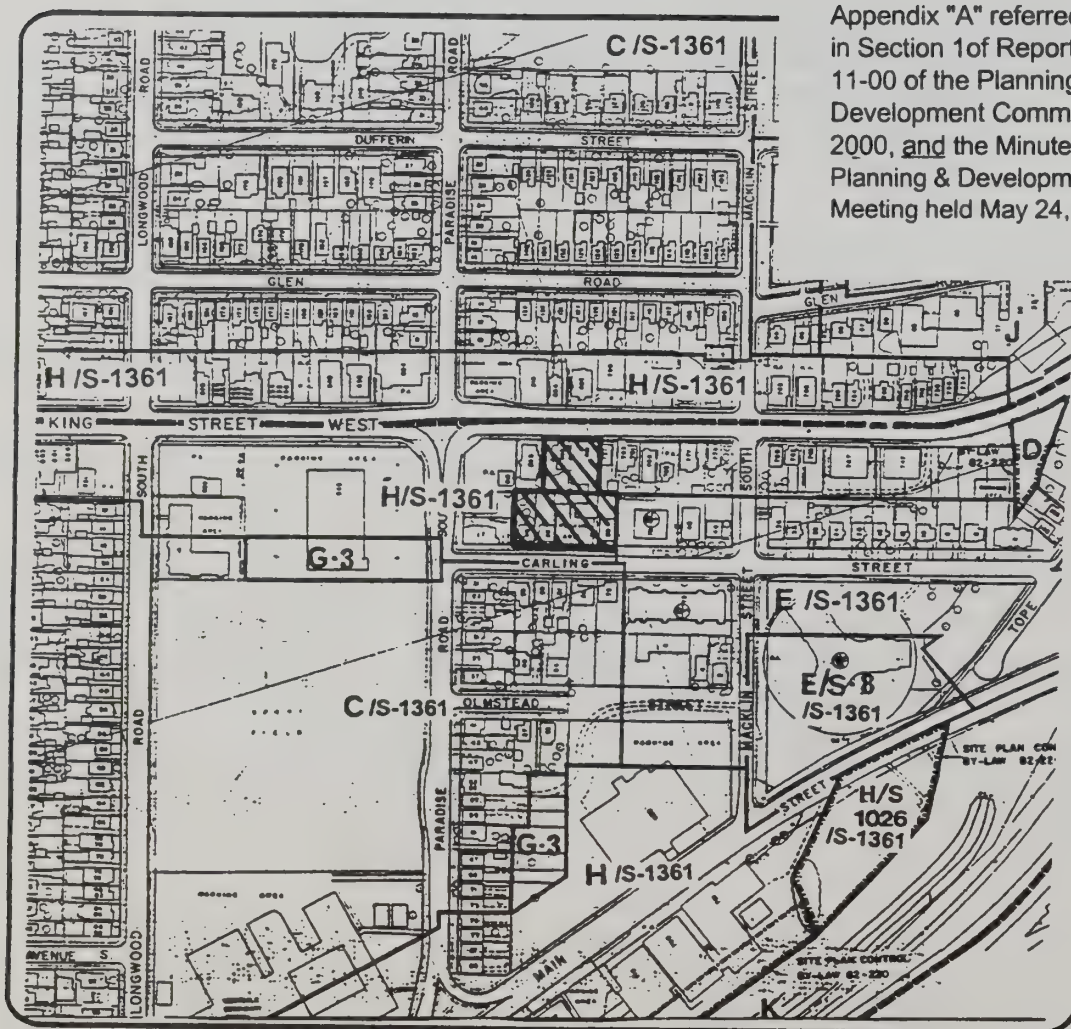
Janet Chase of 111 Clairmont Drive was present and stated that she was concerned that there is lack of information regarding the Auchmar proposal. She has made a request through the freedom of information officer and has not yet been given a reply.

Note: The meeting of the Planning and Development Committee adjourned at 1:35 p.m.

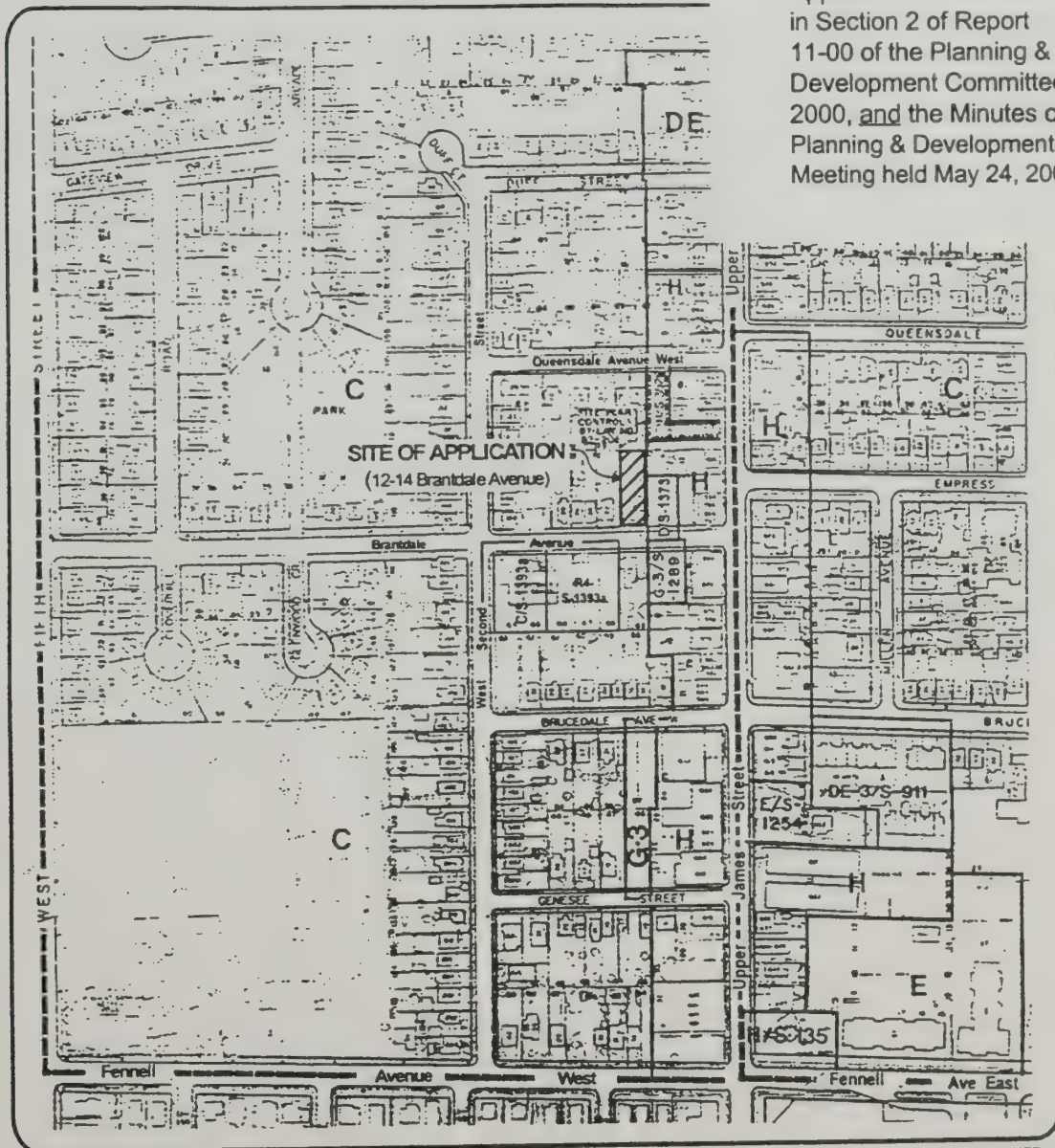
**Alderman F. D'Amico, Chairperson
Planning and Development Committee**


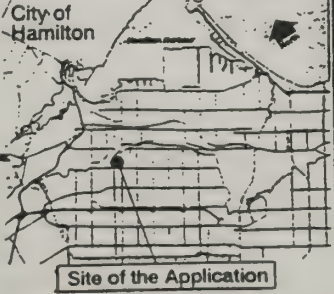

**Tina Agnello, Legislative Assistant
May 24, 2000**

Appendix "A" referred to in Section 1 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.

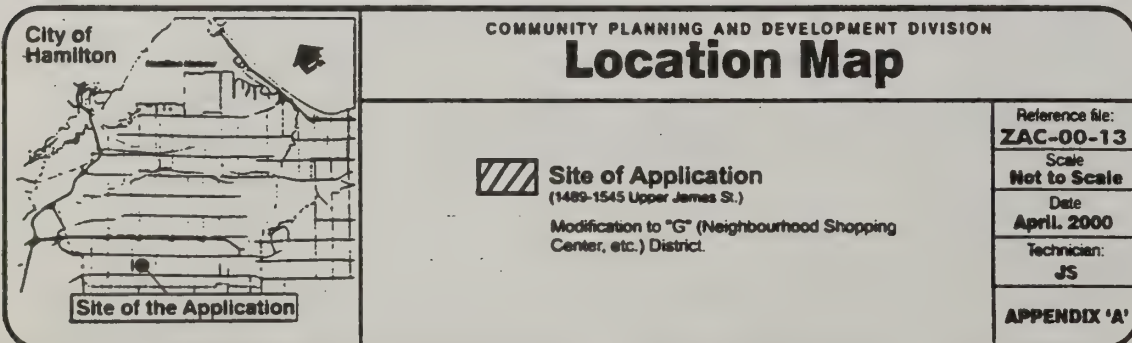
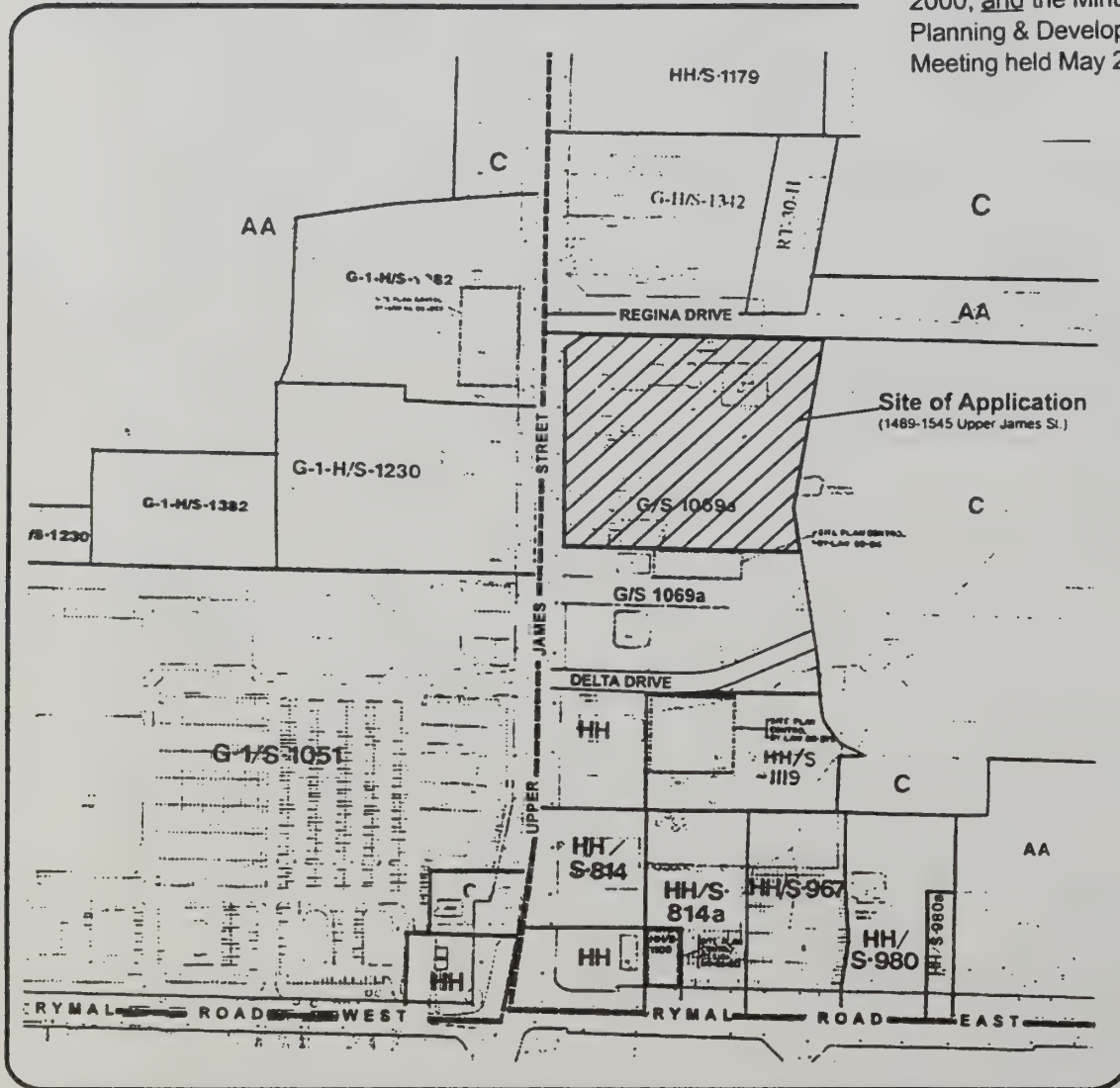


Appendix "B" referred to in Section 2 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.

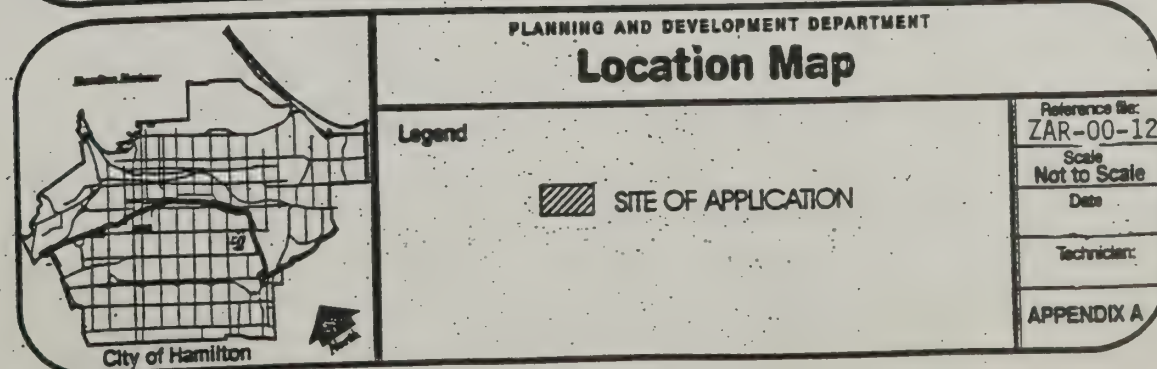
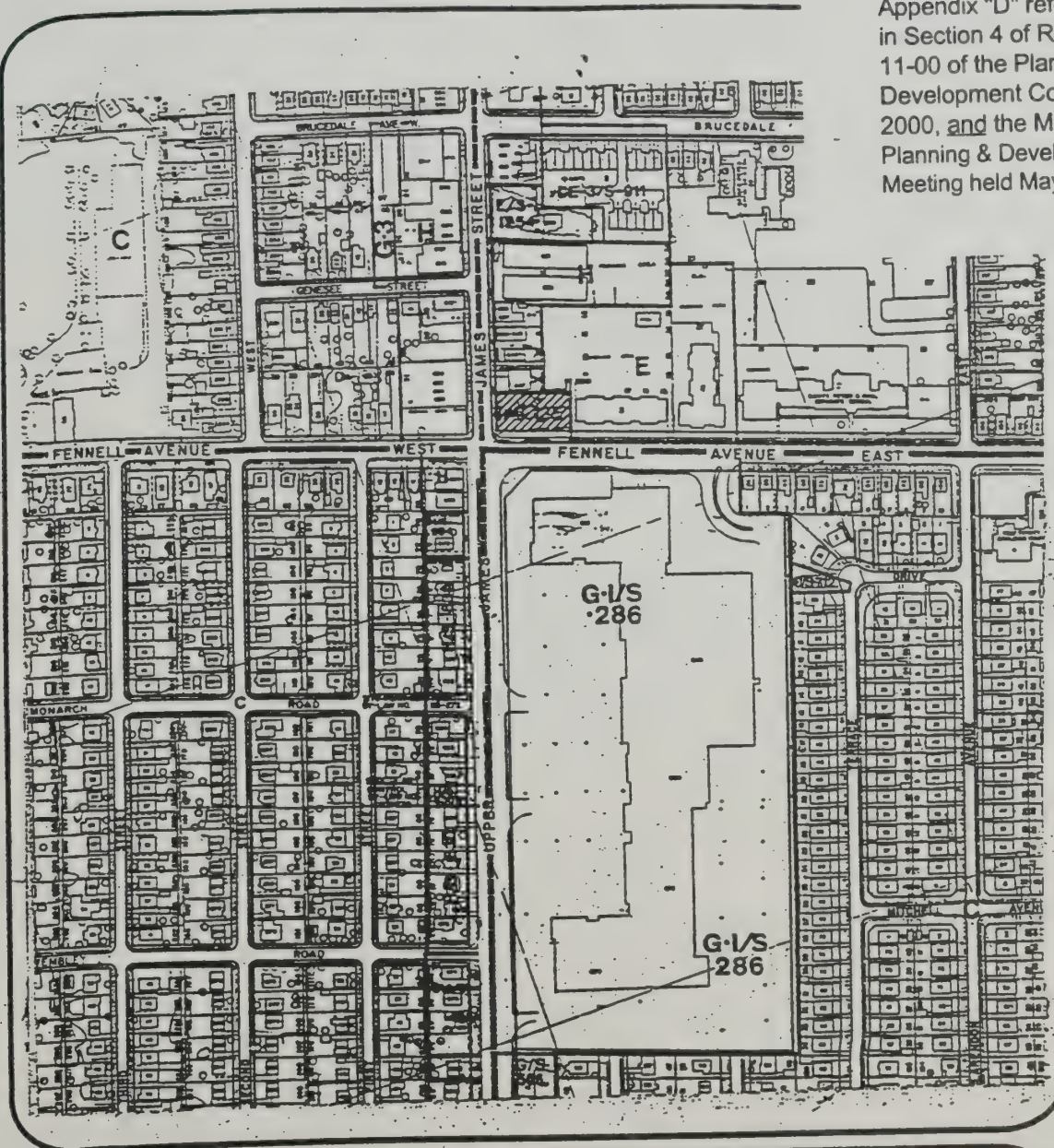


		COMMUNITY PLANNING AND DEVELOPMENT DIVISION Location Map	
 <p style="text-align: center;">Site of the Application</p>		Change in Zoning from:  "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One & Two Family Dwellings, etc.) District, Modified	
		Reference file: ZAC-00-09	
		Scale Not to Scale	
		Date Mar. 29 2000	
		Technician: PB	
		Appendix 'A'	

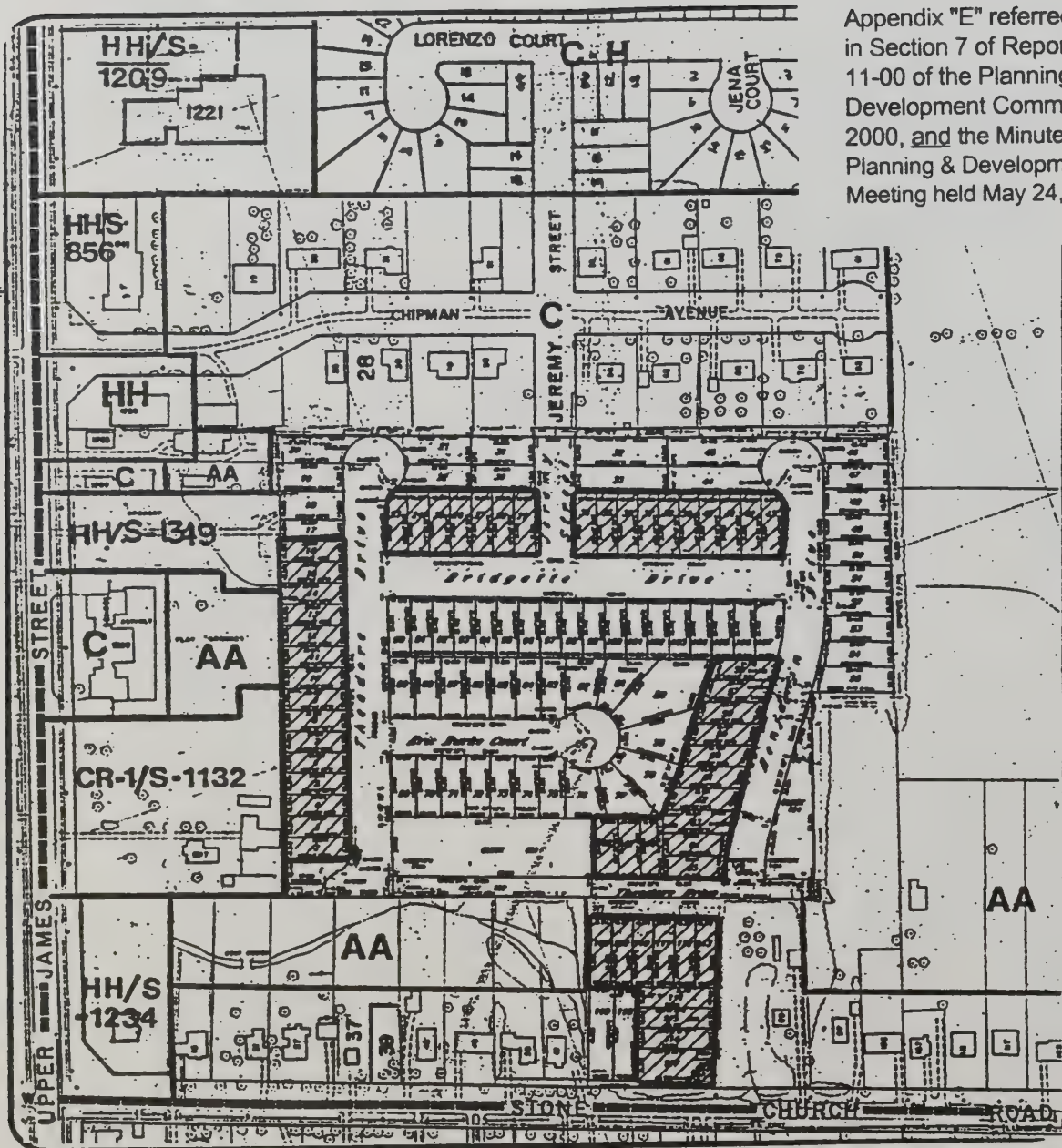
Appendix "C" referred to
in Section 3 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.



Appendix "D" referred to
in Section 4 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.



Appendix "E" referred to
in Section 7 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.



<p>Site of the Application</p> <p>City of Hamilton</p>	<p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p> <h2 style="text-align: center;">Location Map</h2>	
	<p>Legend</p>	
	<p> Subject Lands</p>	
	<p>Reference file: PLC-99-06</p>	
	<p>Scale Not to Scale</p>	
<p>Date June, 1999</p>		
<p>Technician: Jsim</p>		
<p>APPENDIX 'A'</p>		

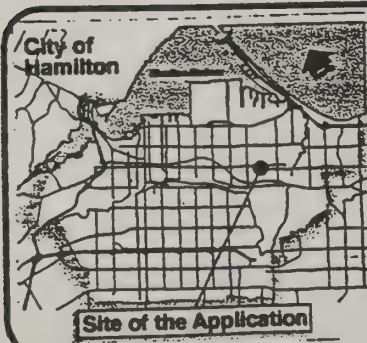
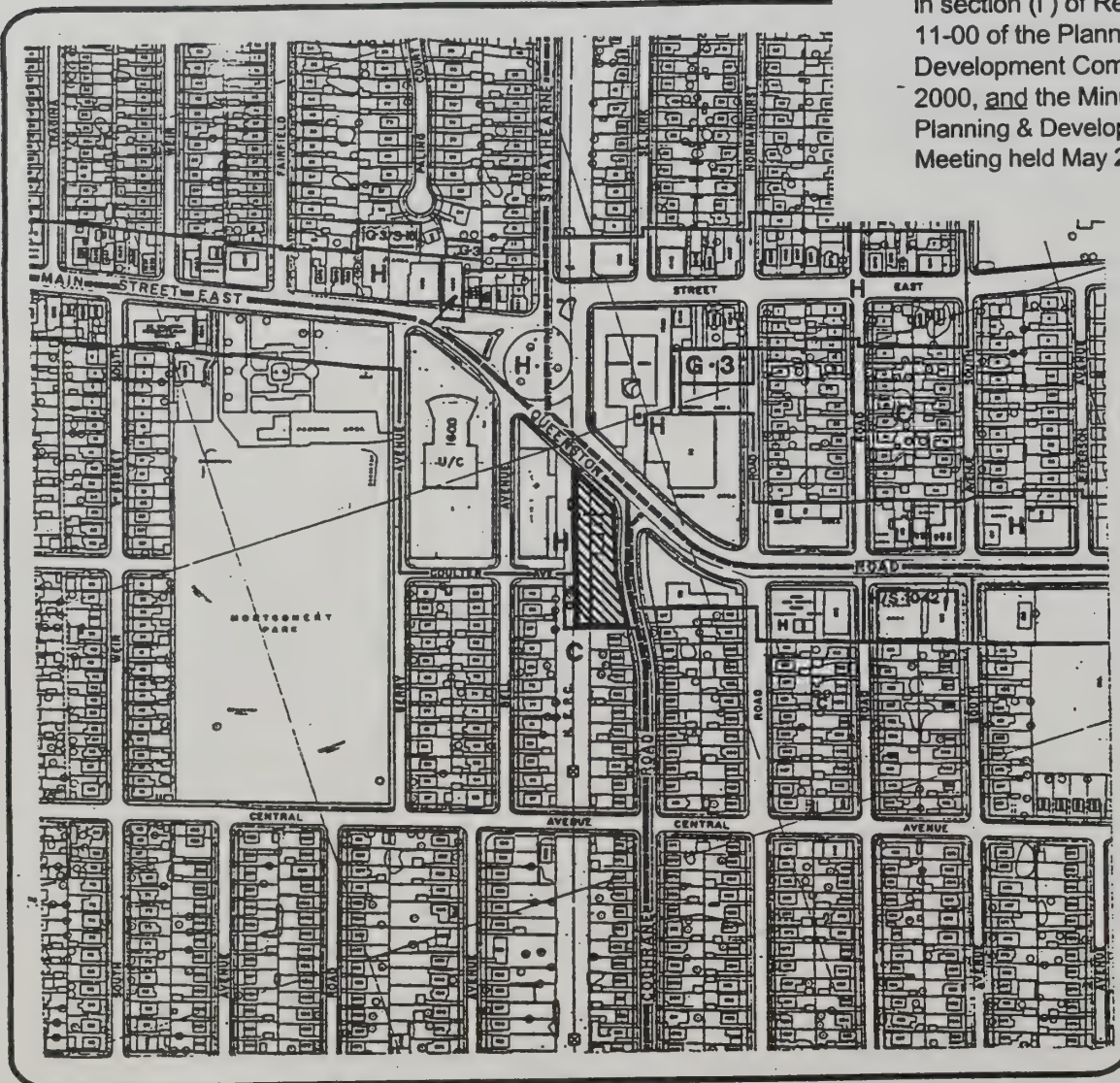
Appendix "F" referred to
in Section 10 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.

Guiding Principles

Based on the intended direction of Council, and input from LACAC, the community, and staff, the following guiding principles have been compiled:

- (a) establishment of an Heritage Easement for the entire property in favour of the City/Ontario Heritage Foundation;
- (b) Creation of "National Historic Site" status for the property;
- (c) Commitment to sustainable public access to the entire property, including all buildings and structures;
- (d) Commitment for the funding of the restoration of all buildings and structures and maintenance of all grounds at no additional expenditures to the City of Hamilton;
- (e) Commitment to sustainable long-term public ownership of a restored cultural heritage property for the City of Hamilton;
- (f) Commitment by all parties, including the tenants, the City and the community, to work co-operatively towards the long-term preservation of the property in the public interest;
- (g) Ensure that the initial property value, which the City of Hamilton invested (i.e., \$2,000,000.00), is protected; and,
- (h) Adaptive re-use and long term occupancy of the heritage buildings on the property is critical to its preservation and financial sustainability.

Appendix "G" referred to
in section (i) of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend

 Subject Lands

Reference file:
DA-99-60

Scale
Not to Scale

Date
Dec, 1999

Technician:
D.L.

APPENDIX A



MINUTES

**CITY OF HAMILTON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tuesday, May 30, 2000
9:30 a.m.
Room 233, Hamilton City Hall
71 Main Street West, Hamilton**

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. M. Morrow, Aldermen M. Gaplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Regrets: Alderman B. Charters (Civic Business)

Also Present: Alderman O'Sullivan, J. Spolnik, G. Paparella, R. Szabo, K. Christenson, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

(a) Declarations of Interest (Item 1)

None declared.

(b) Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (no copy)

2.2.1 Submission: Dicenzo & Associates

Mr. Paparella advised that through negotiations with the proponent it has been determined to recommend that the pylons be located 12 metres from the roadway and also that a provision be placed regarding withdrawal of the appeal to the Ontario Municipal Board regarding a Committee of Adjustment decision on the property.

Alderman Kelly explained that the applicant would like a 6 metre setback for the pylons.

A discussion ensued regarding DiCenzo's concerns over the rear landscaping requirements. In response to a question from Alderman Copps Mr. Paparella advised that there is no requirement for a berm in the rear landscaping. The contents of the landscaping will be determined at the site plan stage.

The Committee resolved that the amendments as proposed regarding the 6 metre setback of the pylon and the withdrawal of the Ontario Municipal Board appeal be brought forward at the Council meeting in the form of an amendment.

* Alderman Copps was opposed.

(c) Demolition of 14 Belvidere Avenue (no copy)

Alderman Kelly reported that discussions have been held and it is the will of the surrounding neighbours that the waiving of the condition to rebuild not be approved because the owner of the property has not shown good faith in maintaining the property.

Mr. Spolnik advised that if the building is not demolished and the permit is revoked, property standards may be enforced.

A discussion ensued regarding whether or not the property would be demolished.

Following discussion the Committee determined to receive the verbal report.

Note: The meeting of the Planning and Development Committee adjourned at 7:25 p.m.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
May 30, 2000**

CITY OF HAMILTON

4.1

- RECOMMENDATION -

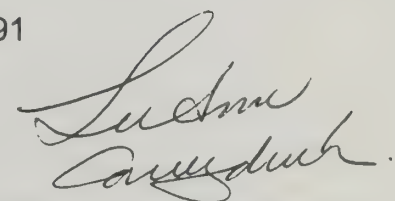
DATE: 2000 May 31

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
19 DIVISION STREET - Tag Number 00 145891
(00.1.1.A) (PDC-00109)

RECOMMENDATION:



That the Acting Director of Building be authorized to issue a demolition permit for 19 Division Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: C (Map E-63)

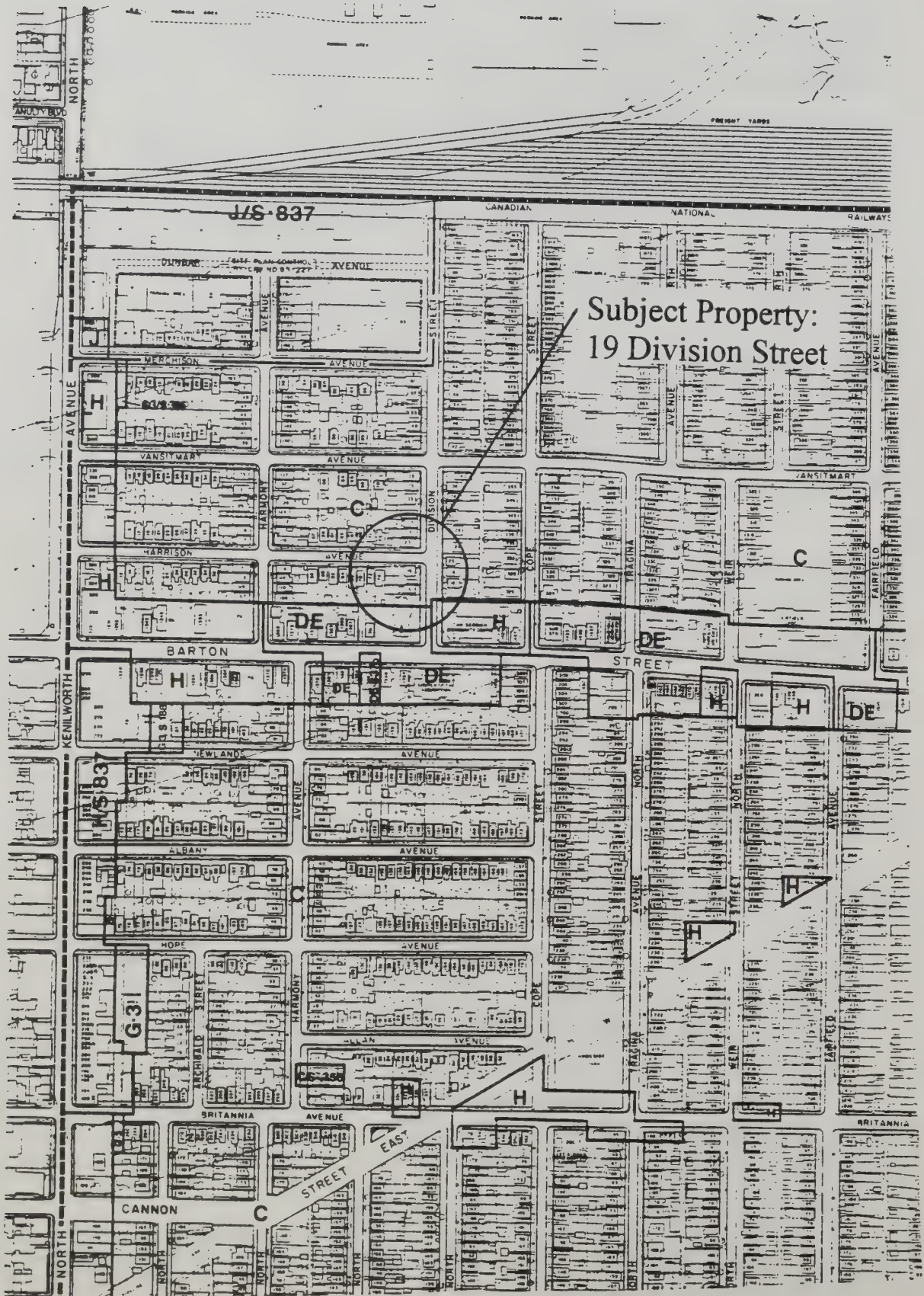
PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot for Church

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and merge the lands with the church located on the adjacent property. The vacant lands will be used for additional parking for the church. As of this date, the required site plan application has not been submitted to the Planning Division. These lands are located on the north side of Barton Street East between Harmony Avenue and Division Street. This property is located in the Homeside Neighbourhood and is in Ward 4 (please see neighbourhood map and city overview map). No LACAC interest. Lot size 45' x 100'.

The owner of the property as per the demolition permit is:

St. Nicholas Church Corp.
1415 Barton Street East
Hamilton, Ontario L8H 2W6

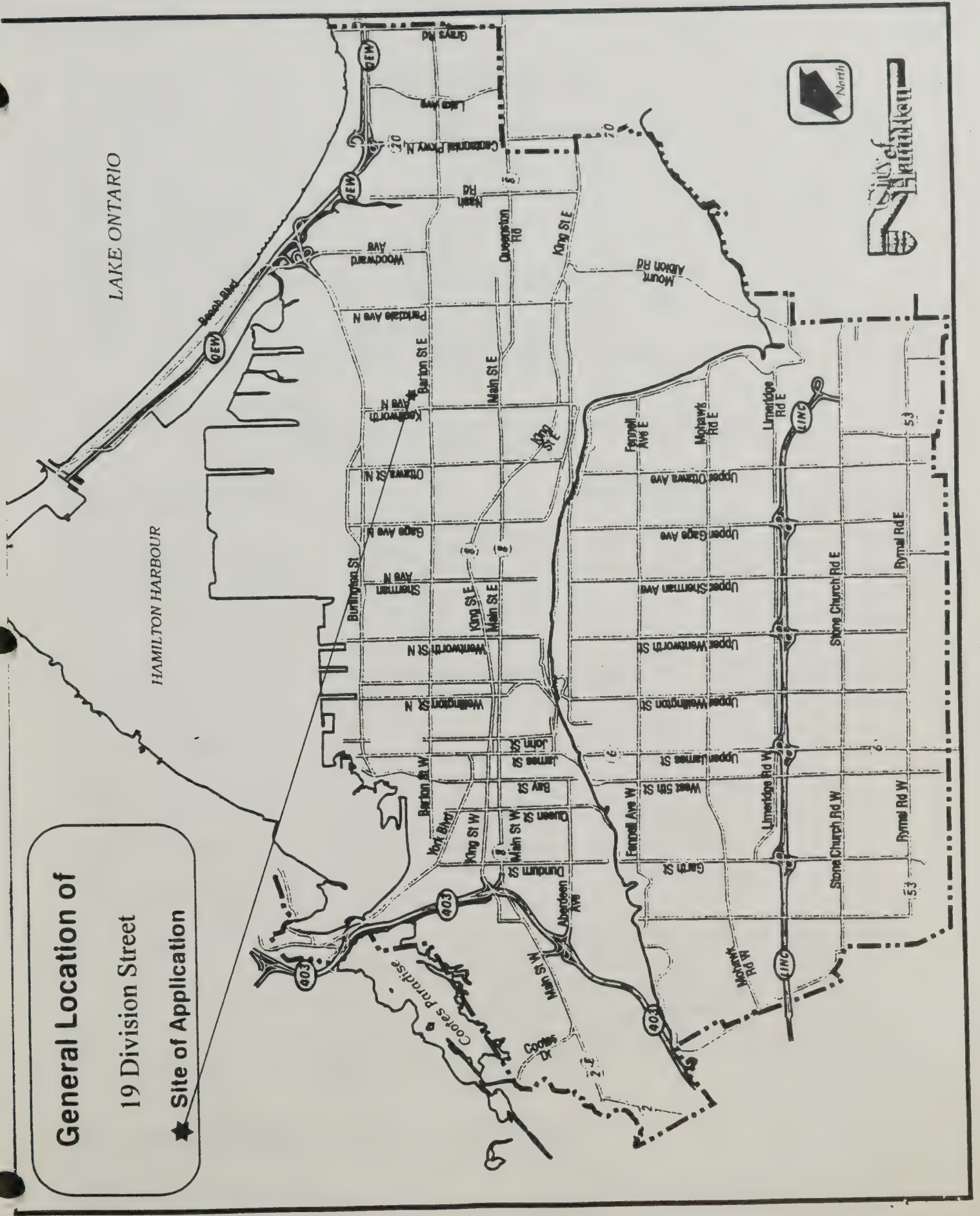


Subject Property:
19 Division Street

General Location of

19 Division Street

★ Site of Application



4.2

CITY OF HAMILTON

- RECOMMENDATION -

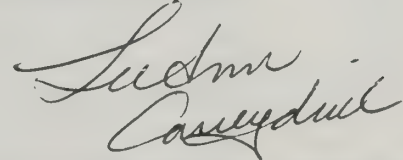
DATE: 2000 May 31

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
322 LAKE AVENUE NORTH - Tag Number 00 145892
(00.1.1.A) (PDC-00110)

RECOMMENDATION:



That the Acting Director of Building be authorized to issue a demolition permit for 322 Lake Avenue North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: KK (Map E-113)

PRESENT USE: Single Family Dwelling

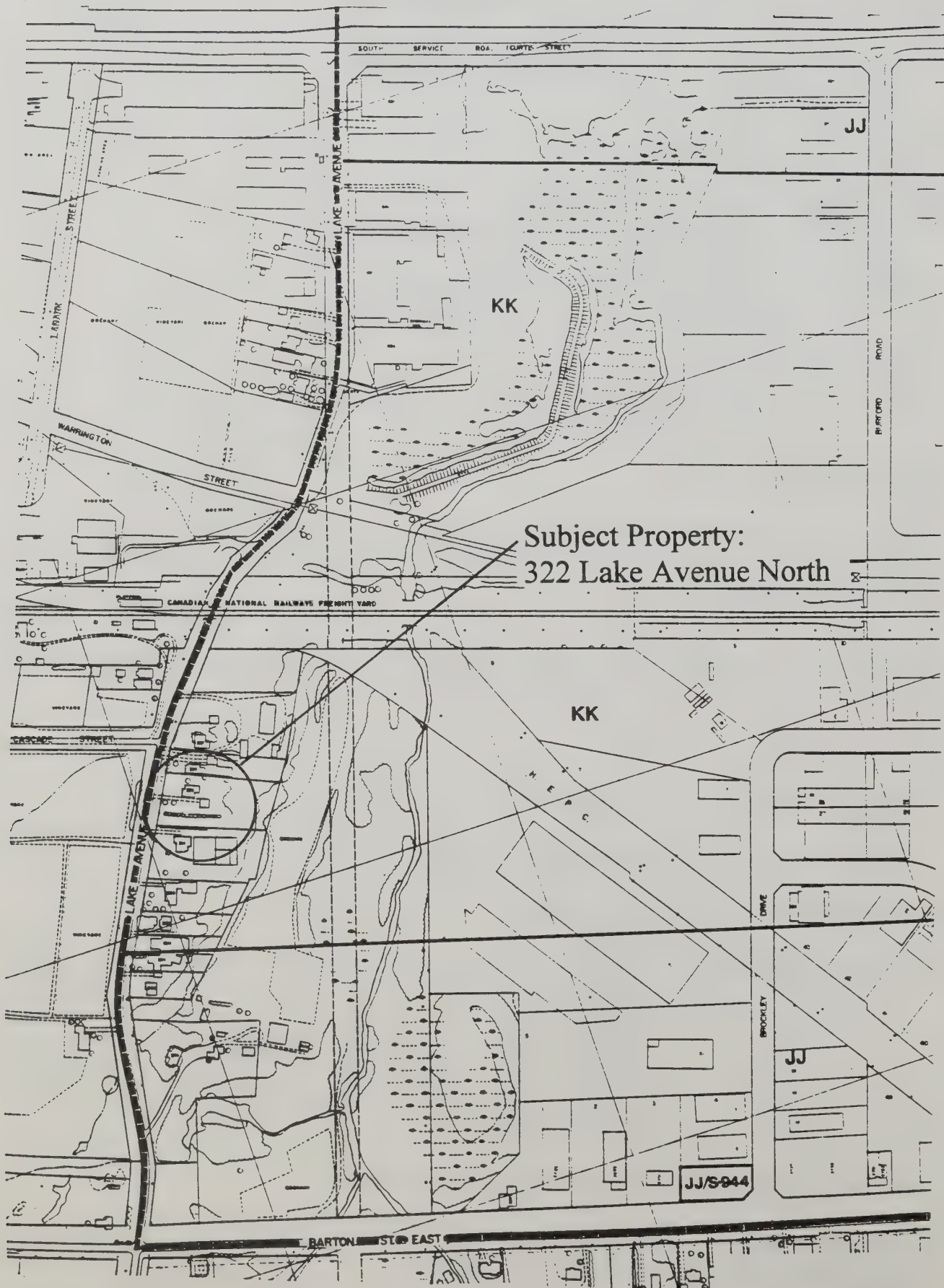
PROPOSED USE: Commercial

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling for commercial development. This property is located in the Grayside Neighbourhood and is located in Ward 5 (please see attached neighbourhood map and city overview map). Please note that the "KK" District is not subject to site plan approval. No LACAC interest. Lot size 25.54m x 136.76m.

The owner of the property as per the demolition permit is:

Marian Posta
1909 Ashton Place
Burlington, Ontario L8P 2Y4

FP/zr



Subject Property:
322 Lake Avenue North

JJ/S944

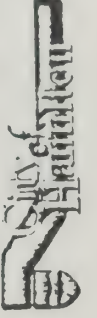
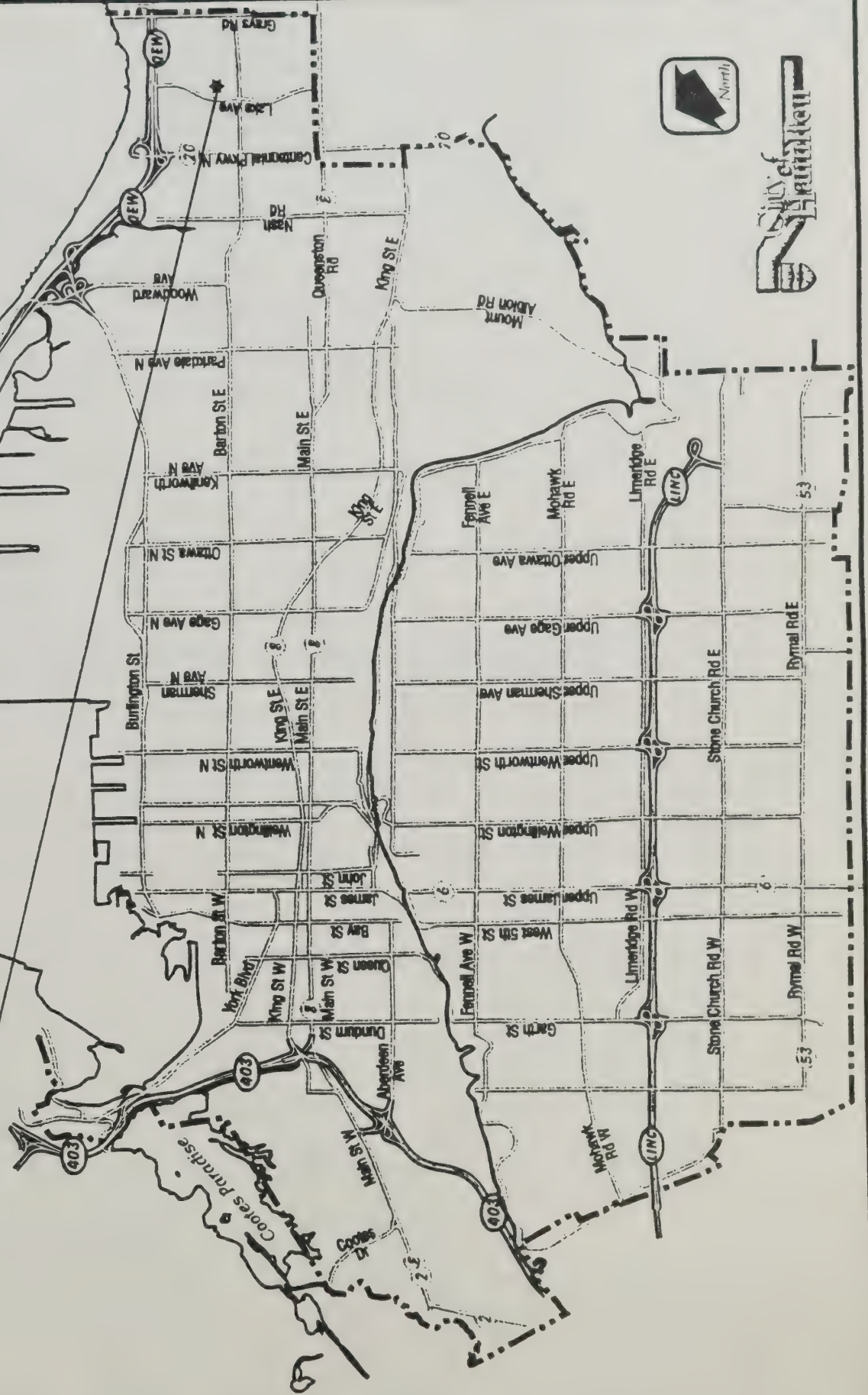
General Location of

322 Lake Avenue North

★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR



4.3

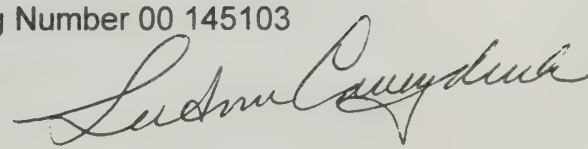
CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 May 31

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
120 CATHARINE STREET SOUTH - Tag Number 00 145103
(00.1.1.A) (PDC-00111)



RECOMMENDATION:

- a) That subject to the requirements below, the Acting Director of Building be authorized to deny an application for a demolition permit for the building located at 120 Catharine Street South in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec. 33); and,
- b) That the Acting Director of Building be authorized to issue a demolition permit for the building located at 120 Catharine Street South where the applicant has applied for and received the required zoning amendment and the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: E-3 (Map E-5)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Parking for Business on Adjacent Lot

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling for the purposes of providing additional parking for the office staff and clients for the business located on the adjacent lot known as 126 Catharine Street South. Please note that 126 Catharine Street South is zoned E-3/S-524 and the amending By-Law 77-146 (S-524) permitted the building to be used for commercial offices.

The owner has not indicated if the lands are to be merged and held under one title with the adjoining lands. If the lands are not merged and the lot is left as a separate parcel, the use is considered a public parking lot and is not permitted in the "E-3" District. If the lands are to be merged and held under one title with 126 Catharine Street South, the use is considered parking accessory to the principal use and is also not permitted in the "E-3" District.

As of this date, neither of the required zoning amendment or site plan agreement applications have been submitted to the Community Planning and Development Division.

This property is located in the Corktown Neighbourhood and is located in Ward 2 (please see attached neighbourhood map and city overview map). This property is on the City's Inventory List as being of Interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.). Lot size 9.45m x 23.47m.

The owner of the property as per the demolition permit is:

Martin-Stewart Contracting
126 Catharine Street South
Hamilton, Ontario L8N 4G4

 FP/zr




Subject Property:
120 Catharine Street South

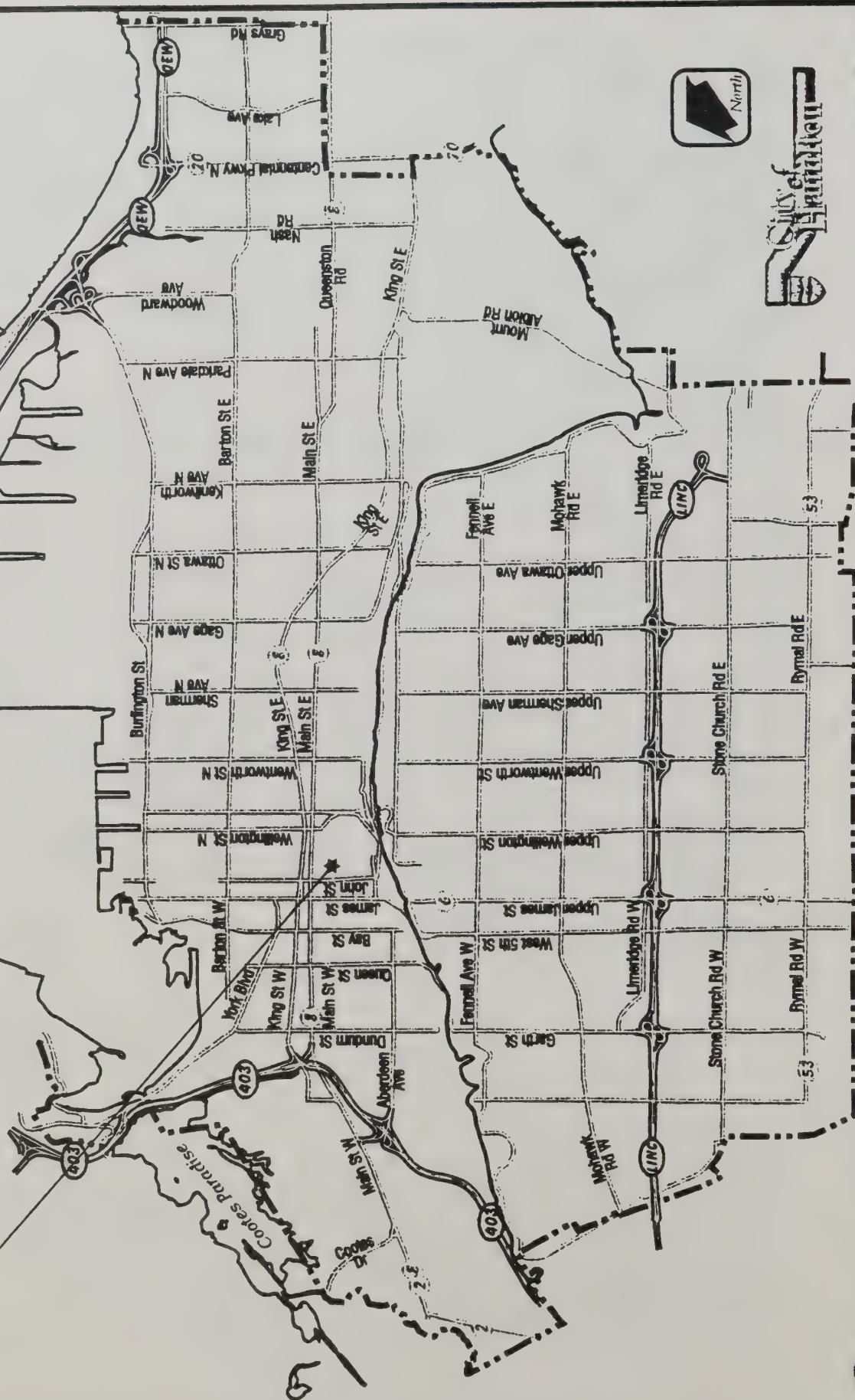
General Location of

120 Catharine Street South

★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR



CITY OF HAMILTON
- RECOMMENDATION -

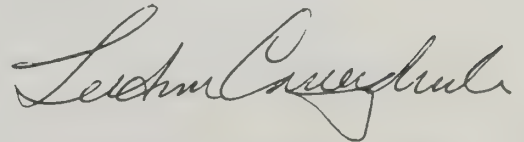
DATE: 2000 May 31

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
928 BURLINGTON STREET EAST - Tag Number 00 145887
(00.1.1.A) (PDC-00112)

RECOMMENDATION:



That the Acting Director of Building be authorized to issue a demolition permit for 928 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: K (Map E-31)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Parking or Future Addition

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling, merge the lands with the adjacent property known as 926 Burlington Street East and use this portion for additional parking and possibly a future addition to the existing construction company business. This property is located in the Industrial Sector C Neighbourhood and is located in Ward 3 (please see attached neighbourhood map and city overview map). Please note that the "K" District is not subject to site plan approval. No LACAC interest. Lot size 7.62m x 30.48m.

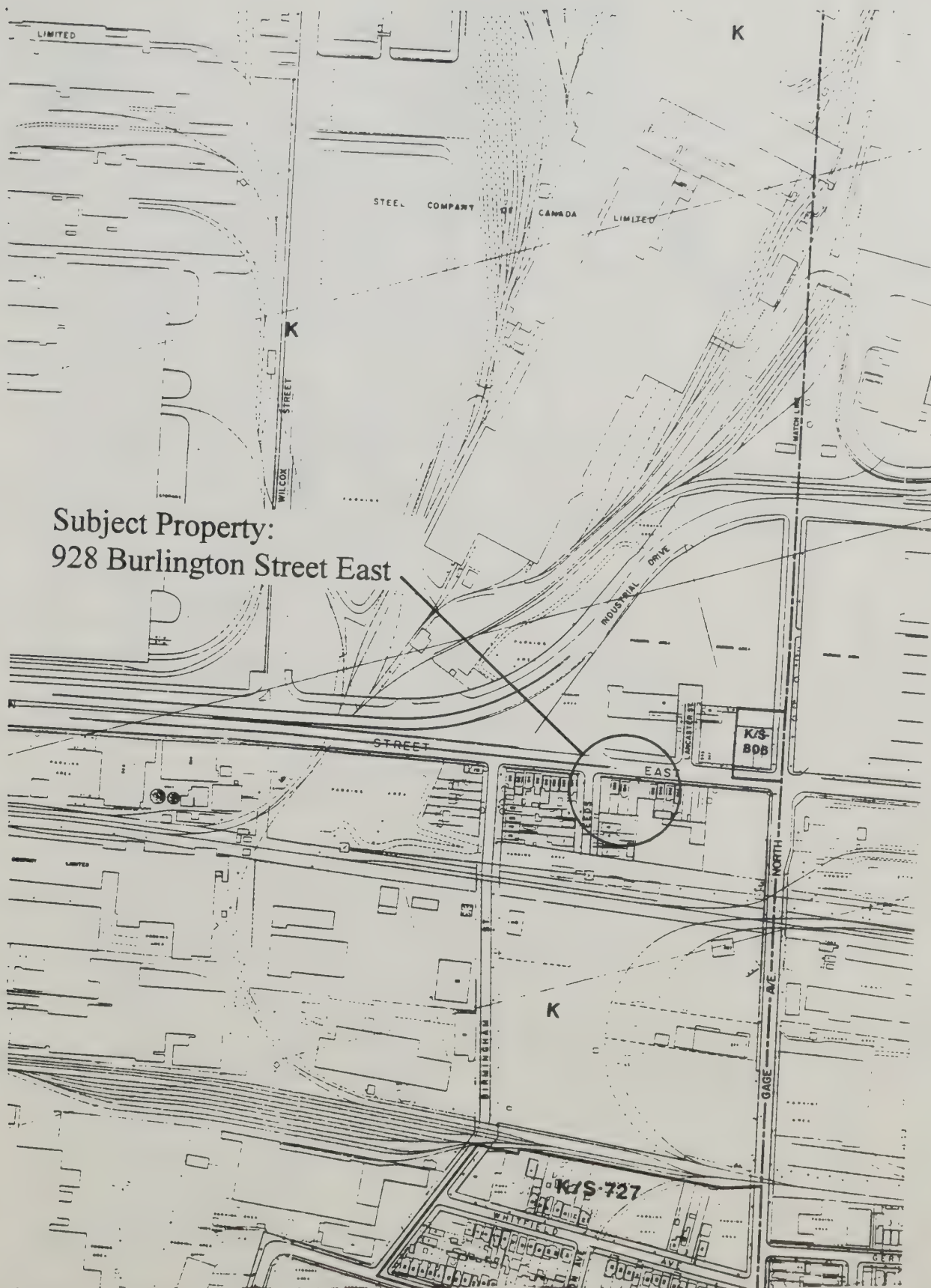
The owner of the property as per the demolition permit is:

Sona Construction
c/o Parkash Reihal
926 Burlington Street East
Hamilton, Ontario L8L 4K5

 FP/zr



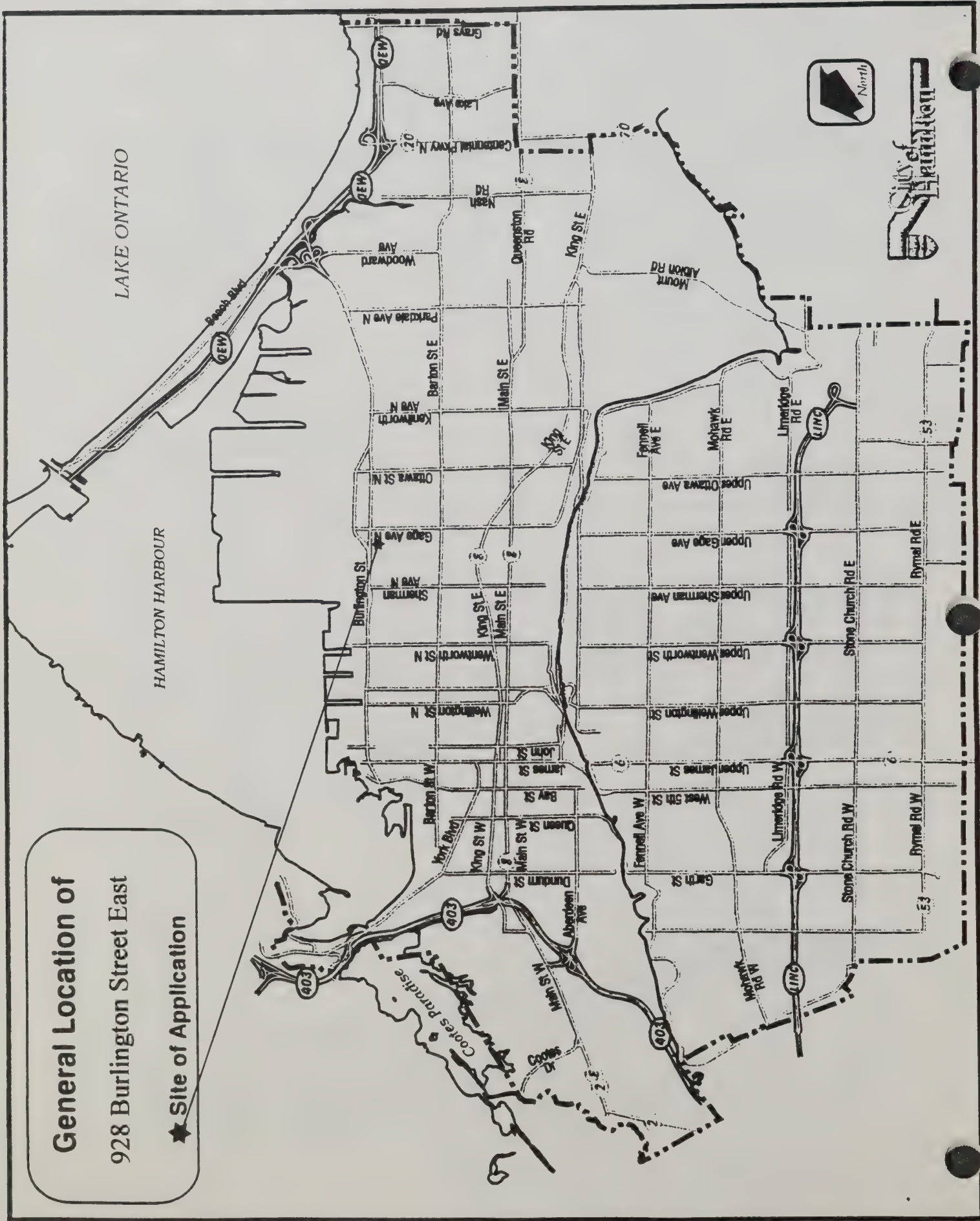
Subject Property:
928 Burlington Street East



General Location of

928 Burlington Street East

★ Site of Application



4.5

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 May 30
CD-97-006
(CDM-CONV-99-003)
North End West

REPORT TO: Chairman and Members
Planning and Development Committee

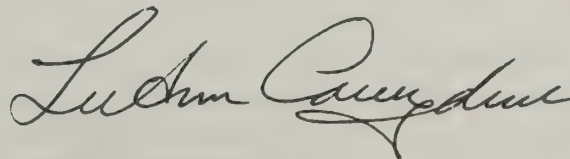
FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Amended Condition of Approval For Rental Housing Protection Act
Application CD-97-006 for 23-25 Macauley Street West
(PDC00001A)

RECOMMENDATION:

- (a) That, notwithstanding Section 1.(a)(iv)(2), of the Second Report for 1998 of the Planning and Development Committee, the conditional approval given by City Council on January 27, 1998 of Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "A", shall not have ceased on January 27, 2000; and,
- (b) That Section 1. of the Second Report for 1998 of the Planning and Development Committee, respecting Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "A", approved by City Council on January 27, 1998, be amended by deleting clause 1.(a)(iv)(2) in its entirety and replacing it with the following:

"1.(a)(iv)(2) by December 31, 2000, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,"



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

Council approval is required to amend a previous Council resolution respecting an application processed under the former Rental Housing Protection Act.

BACKGROUND:

- **Rental Housing Protection Act Application CD-97-006**

On January 27, 1998, Council approved an application (CD-97-006) by Emilia Fazekas, under the Rental Housing Protection Act, to convert a 5 unit townhouse development (multiple dwelling) at 23-25 Macauley Street West to condominium. One of the standard conditions of approval is that the Rental Housing Protection Act approval shall cease if the owner has not registered a Plan of Condominium for the property within a two year time limit. The intent of the condition is to ensure that registration of the Condominium is completed within a reasonable length of time following the Rental Housing Protection Act approval.

- **Draft Plan of Condominium Application CDM-CONV-99-003**

On January 25, 2000, Council approved application CDM-CONV-99-003, for a draft Plan of Condominium for the 5 unit townhouse development (multiple dwelling) at 23-25 Macauley Street West. The application received draft approval from the Region on April 4, 2000. The applicant is currently in the process of fulfilling the conditions of draft approval. As such, approval of Rental Housing application CD-97-006 would have expired on January 27, 2000, since a Condominium Plan has not yet been registered. The applicant has requested an extension to the two year time limit for application CD-97-006 to allow her to finalize the condominium conversion.

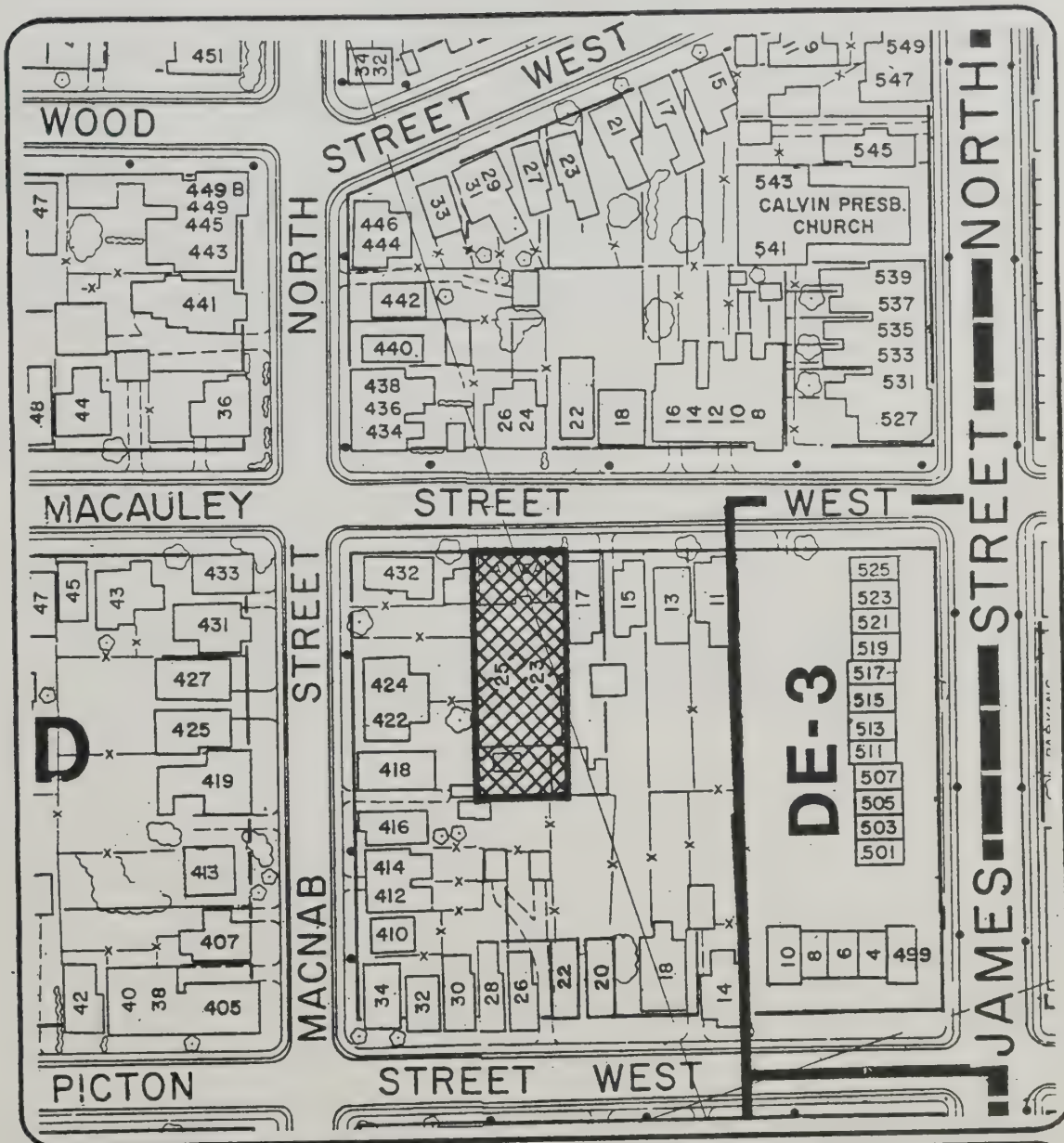
COMMENTS:

Although the applicant did not fulfill the condition that the Condominium Plan be registered within two years of approval under the Rental Housing Protection Act, City Council did approve an application for draft approval within the two year time period. Accordingly, the request to extend approval of application CD-97-006 does not conflict with the intent of the time restriction. An extension to December 31, 2000 would provide a reasonable length of time for the applicant to finalize and register the Plan of Condominium. The January 27, 1998 Council resolution respecting CD-97-006 must be amended to clarify that the application did not expire on January 27, 2000 and to extend the approval to December 31, 2000.

CONCLUSION:

On the basis of the foregoing, the request to extend the approval of application CD-97-006 until December 31, 2000 can be supported. Section 1. of the Second Report for 1998 of the Planning and Development Committee, respecting Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, should be amended accordingly.

CL-M



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Subject Lands

Reference file:

COM-CONV-99-003

Scale

Not to Scale

Date

Nov. 1999

Technician:

B. B.

APPENDIX "A"

4.6

CITY OF HAMILTON

RECOMMENDATION

DATE: June 6, 2000


REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Dr. Elizabeth Richardson
Acting General Manager and
Medical Officer of Health
Social and Public Health Services Division

SUBJECT: Core Heritage 2000 Program
14 Hess Street South, Hamilton (HSB00009)

RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eleven thousand, one hundred and sixty-five dollars (\$11,165) to Hess Village Enterprises, registered owner of 14 Hess Street South, be approved.



Dr. Elizabeth Richardson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$11,165 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$172,793.

Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.

The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes; new windows; awnings; millwork for cornice brackets; painting; chimney repair; and, masonry pointing.

On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of \$11,165.

ER/MM/dk

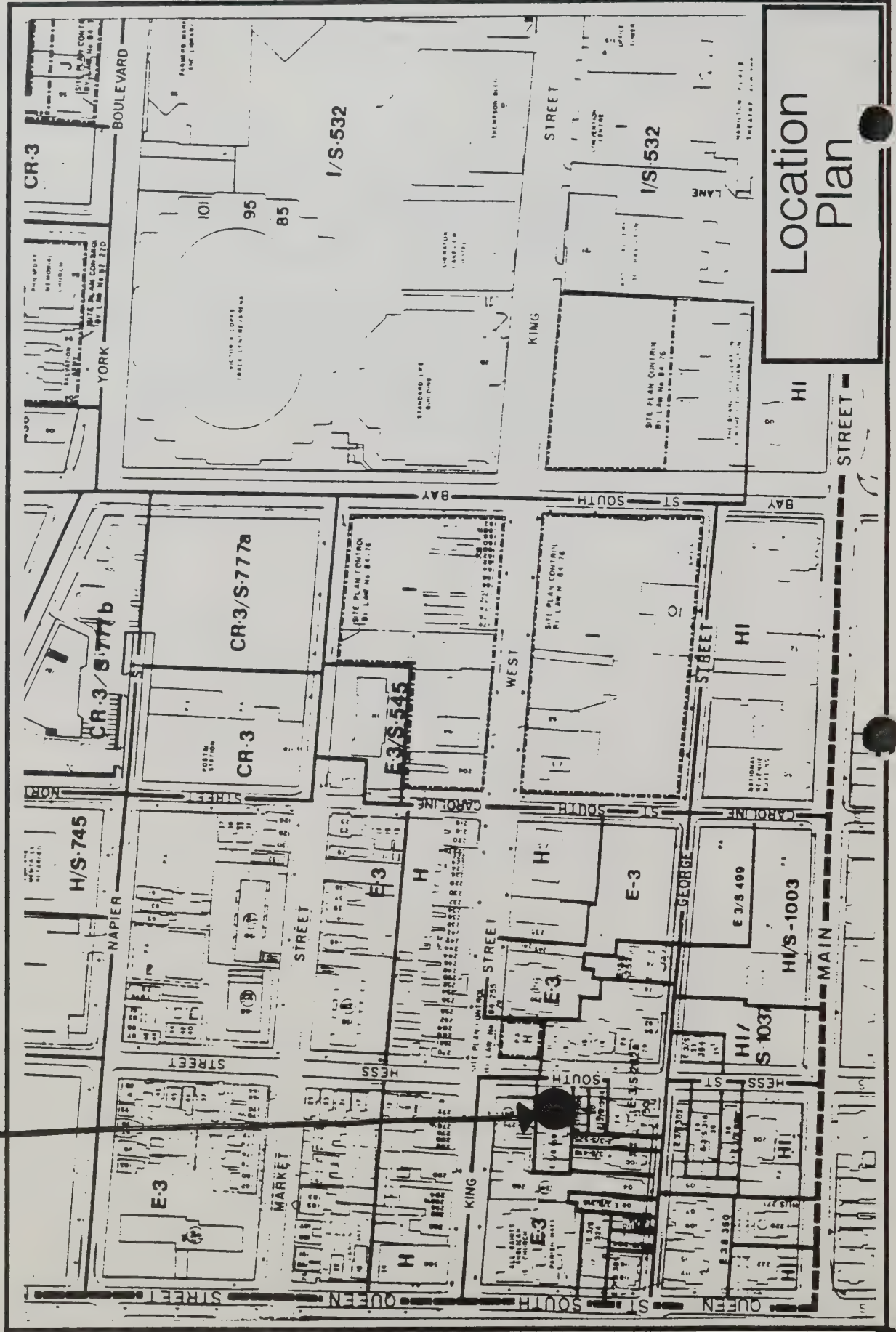
Cc R. Camani, Finance Division
 A. Gillespie, Planning and Development Department
 M.V. Mascarenhas, Housing and Shelter Branch

14 Hess Street South, Hamilton
HSB000009



Key Map

14 Hess Street South, Hamilton
HSB00009



CITY OF HAMILTON

4.7

- RECOMMENDATION -

DATE: 2000 June 2

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Authorization to Advertise Externally for Candidates to fill the Position of
Heritage Planner (PDC00113)

RECOMMENDATION:

That the General Manager of the Planning and Development Division be authorized to advertise externally for qualified candidates to fill the position of Heritage Planner.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The recommendation contained in this report requires Transition Board Approval.

Funds for this position are in the 2000 approved current budget for the Community Planning and Development Division.

BACKGROUND:

This vacant position is the result of the retirement of the incumbent, as part of the Early Retirement Programme. This position was identified as one of the 66 essential positions approved to be refilled by Council in November 1999.

It is necessary to refill this position, as the current staffing complement cannot provide the following required heritage planning services:

- advice for developers regarding the rehabilitation of heritage buildings;
- delivery of heritage loan and grant programs;
- staff support for LACAC; and,
- advice for Planning and Development Committee, Council, other Departments and the public on heritage matters.

Staff have followed the protocol for the internal posting process for all Hamilton-Wentworth Municipalities and no qualified candidates were found. Council and Transition Board approvals are now required to pursue external advertising and fill this position.

S.1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 May 22

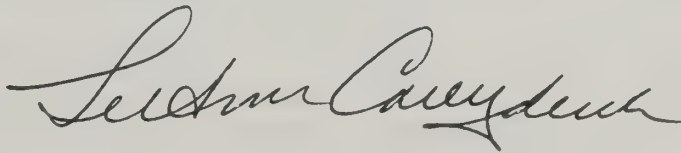
REPORT TO: Chairman and Members,
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Tax Incentive Program Extension - Commercial/Industrial Heritage
Buildings in the Central Area (PDC00101)

RECOMMENDATION:

That the Tax Incentive Program for designated commercial and industrial buildings be extended to include the Central Area in accordance with the eligibility criteria and requirements contained in APPENDIX "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

The annual \$250,000 currently budgeted in the existing Tax Incentive Program for commercial and industrial heritage buildings allocated for the downtown area is adequate.

BACKGROUND:

The City has undertaken a series of initiatives, particularly for commercial/industrial buildings designated under the Ontario Heritage Act, which are intended to be economic catalysts for redevelopment and development buildings in the downtown area and Central Area.

Open for Business Policy

In 1996, City Council approved the "Open for Business" Policy for the downtown area (Hunter, Queen, Wellington and Cannon Streets). The purpose of this initiative was to

provide an economic incentive for development and redevelopment of properties by refunding Building Department fees, planning application fees, development charges, and parkland dedication once the building permit was issued.

On August 11, 1999, City Council extended the policy until September 2002. As a further economic incentive, residential areas within the Central Area (the Escarpment, Queen Street, the Harbour and Victoria Avenue) were also included in the "Open for Business" policy.

Establishment of the Tax Incentive Program (TIP) for the Downtown Area

On April 13 and 27, 1999, City Council approved the establishment of the Tax Incentive Program for commercial/industrial buildings designated under the Ontario Heritage Act and located in the downtown area. The purpose of the program is to provide an economic incentive to renovate existing commercial and industrial buildings by providing a ten year tax rebate. The tax rebate amounts to the difference between the city and regional property taxes (it does not include the educational tax) prior to renovation and post renovation. Property owners are required to receive Council approval for the rebate.

On June 22, 1999, City Council approved an upset budget limit for \$250,000 for 10 years. The only commitment is the Lister block, once the renovations occur.

Open for Business Policy and Core Heritage Program Extensions – Designated Commercial/Industrial Buildings

On October 26, 1999, City Council approved the extension of both the Core Heritage 2000 program and the "Open for Business" Policy to include designated commercial/industrial buildings in the Central Area (bounded by Queen Street, the Escarpment, Victoria Avenue and the Hamilton Harbour).

Currently, the TIP is the only program not available to designated commercial/industrial buildings.

EXTENSION OF THE TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL BUILDINGS IN THE CENTRAL AREA

The Community Planning and Development Division received a request from the owners of the former CN Station to extend the Tax Incentive Program (TIP) to include designated commercial/industrial buildings in the Central Area.

The extension of this program has merit. The City has been very supportive of the preservation and adaptive reuse of commercial/industrial buildings designated under the Ontario Heritage Act, both within the downtown area and the surrounding Central area. The extension of the Core Heritage Program and the "Open for Business" policy supports this city goal. The use of the TIP would complement the existing city initiatives. It is no less feasible to encourage the retention and adaptive reuse of commercial/industrial heritage buildings in the Central area. The CN station is only one

building in the Central area that could benefit from the extension of the TIP (see APPENDIX "B").

The eligibility criteria and the requirements for the tax incentive program would be the same as those existing for the downtown. APPENDIX "A" details the conditions under which a building would qualify for the program (i.e. designated, no outstanding taxes, rebate to be for a maximum of 10 years, City Council approval is required, etc.)

The City allocated \$250,000 to the tax incentive program. - Approximately \$100,00 is earmarked for the Lister block and the remaining \$150,000 is for 11 other buildings in the downtown. To date, no requests have been made to the City to use the monies in the program, other than the Lister block. Based on the above, there appears to be adequate funds in the TIP to consider the application for the CN station. However, more money will be needed if additional buildings request funding i.e. McKay building. In accordance with the criteria and requirement for the TIP, Council approval of the CN station request is required. A report will be forwarded to the Committee once information on the tax increases is received from the owner. It should be noted the construction for the CN building has been undertaken before the TIP request has been considered; however, an application was made prior to the construction being completed.

CONCLUSION

Based on the above, it would be appropriate to extend the tax incentive program to include designated commercial/industrial buildings in the Central Area, consistent with the "Open for Business" policy.

JHE/BJ

Cc: A. Ross, General Manager, Finance Department
R. Roszell, Director of Legal Services and Corporate Counsel

APPENDIX "A"

TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL BUILDINGS IN HANMILTON'S DOWNTOWN

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial/industrial buildings located within area bounded by Queen Street, The Harbour, Victoria Avenue and the Escarpment, which are designated under the Ontario Heritage Act. The Program establishes a ten-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

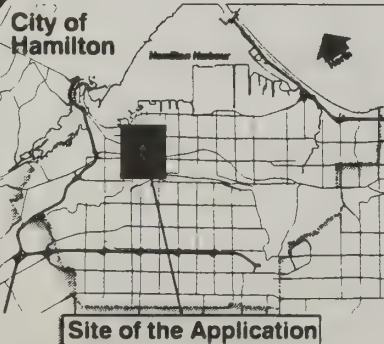
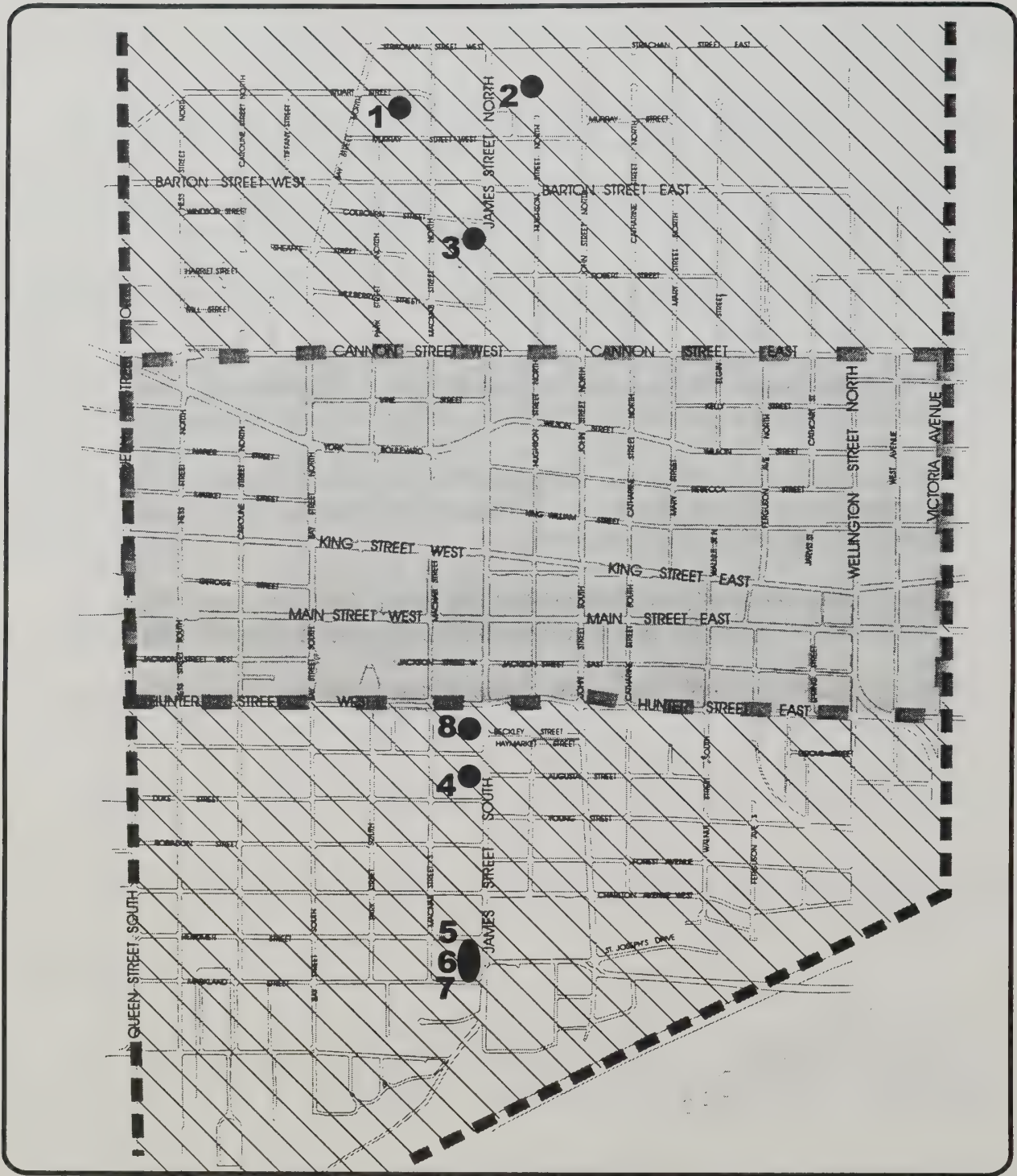
- The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;
- The building must be located within the boundaries of Queen Street, the Harbour, Victoria Avenue and the Escarpment;
- Application for this tax incentive will only be accepted after final approval of this program; and,
- If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

Requirements:

- The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;
- The property must be insured at replacement value;
- The property shall not be in property tax arrears;
- The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and
- The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

- Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.
- If a building is sold within this ten-year period, the tax incentive will continue with the new owner after the sale of the building.
- The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said ten-year period.
- The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.
- Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.
- The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION



Tax Incentive Program
currently available
within the boundaries
of the Hamilton
Downtown Community
Improvement Area for
Designated
commercial/Industrial
buildings



**Proposed Expansion of
Tax Incentive Program:**

- 1 Custom House - 51 Stuart Street
- 2 CN Station - 360 James Street North
- 3 255-265 James Street North
- 4 158 James Street South
- 5 252 James Street South
- 6 262 James Street South
- 7 268 James Street South
- 8 124 MacNab Street South



North

Scale

Not to Scale

Date

May 2000

Technician:

R.L.

Key Map

CITY OF HAMILTON

5.2

- RECOMMENDATION -

DATE: 2000 May 29
(CI 99-A)

REPORT TO: Chairman and Members
Planning and Development Committee -

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Residential Care Facility, Long Term Care Facility and Correctional Facility Study – Public Participation Program (PDC00102)

RECOMMENDATIONS:

- A. That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be received and the staff of the Community Planning and Development Division be directed to hold information meetings with various service providers and interest groups.
- B. That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be forwarded to the Environmental Services Committee for information.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

Public participation is an integral part of developing workable Zoning By-law regulations.

BACKGROUND:

On March 24, 1999, the Planning and Development Committee approved the Terms of Reference for a land use planning study for residential care facilities, short term care facilities and correctional facilities in the City and the Region. Long term care facilities have also been included in the studies because of the similarities to other housing alternatives.

The project is to be completed in four phases:

Phase 1 will include an extensive background study of the issues, the planning legislation, the funding framework and service provision. An important element within this phase is liaising with the various charitable and government agencies that deal with the various components of these facilities.

Phase 2 will identify land use options including performance standards, etc., for the various facilities. Once this report is prepared, it will be presented to the Planning and Development Committee.

Phase 3 will involve a public participation process in which these land use options will be presented to the public and agencies. Comments on these options will be invited. From the comments received, the land use options will be refined and then presented to Planning and Development Committee and Council for approval.

Phase 4 is the implementation stage where the changes to the Official Plan and the Zoning By-law will occur.

The attached study is the completion of the phases 1 and 2.

PUBLIC PARTICIPATION PROGRAM

The study contains approximately fourteen different options for changes to planning policy and regulations and four other non-land use related recommendations.

The purpose of the third phase of the study is solicit input on these different options.

Given the complexity and the sensitivity of this issue, more meaningful input will be gained through small group sessions with key groups (i.e. neighbourhood associations, service providers, etc.). These small group sessions will be in the form of roundtable discussions aimed at understanding how the proposed options will affect the provision of services and the impacts on the community. The goal is to build consensus between the various groups.

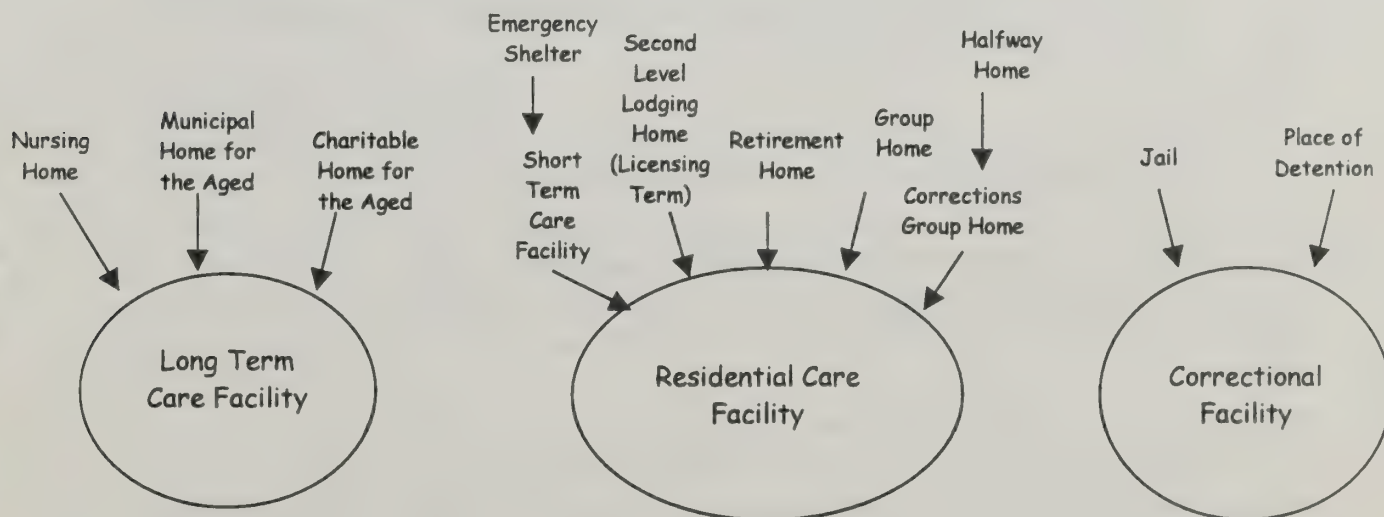
It is intended these sessions will be held during the summer months. The various groups will be requested to submit comments, in writing, on the proposed options.

Once a final set of options is selected, a Public meeting(s) of the Planning and Development Committee (as per the Planning Act) will be held.

EXECUTIVE SUMMARY

The continuum of "housing" in the 21st century goes beyond the traditional forms (i.e. single family dwellings, stacked townhouses, apartments) to include "non traditional housing" for people with special needs. "Non-traditional" housing can be short-term, transitional or permanent; housing forms include group homes, semi-independent living apartments, crisis/emergency housing, halfway homes, nursing homes, homes for the aged, and retirement homes. This continuum also includes correctional facilities for men and women who are in conflict with the law and require secure custody living arrangements.

Through the decades, these non-traditional housing forms have been ascribed many different terms. The City of Hamilton uses more generic terms to categorize the special housing types.



The purpose of this report is to examine the three non traditional housing forms described above. More specifically, it will:

- review the social and land use planning history;
- review the current land use planning and policy framework of the City of Hamilton and area municipalities;
- identify key issues and concerns;
- identify a number of options to address those concerns; and,
- identify the preferred options and strategy .

Land use planning policies and regulations need to address and provide the opportunity to fulfil the variety of housing needs in our community. Over the last

few decades, there have been many changes that have affected housing policies. More specifically, the need for non traditional housing such as residential care facilities and supportive housing continues to grow; there has been a policy shift by the Provincial government now provides funding (Individual Support Agreements - ISA's) to special needs individuals so they may choose their own care; and there is a strong demand for more long term care facilities and retirement homes to accommodate our ageing population.

Coupled with these changes are three specific issues that have been the impetus for this study:

- the concentration of residential care facilities in certain neighbourhoods in the City of Hamilton has not subsided over time;
- Hamilton has a disproportionate share of the residential care facility beds compared to the rest of the Region and more correctional facilities compared to other regions;
- there is the impending relocation of a correctional facility in the downtown to a location which is felt not to be appropriate;

It is important to indicate at the onset, this study is an analysis of policies and regulations for residential care facilities, long term care facilities and correctional facilities and NOT other living arrangements such as supportive housing.

Equally important to neighbourhoods is the operation of the individual residential care facilities, particularly in the immediate vicinity of the facility. Land use planning policy does not have the scope to regulate the operation of facilities. Some aspects of the operation of facilities can only be dealt through agreements/contracts with the federal and provincial governments and the licensing by-laws of the municipality.

Long term care facilities¹

The population is ageing. By the year 2021, 18% of the population will be 65 years of age and over. People are living longer and as a result require facilities and services that accommodate their needs as they age.

¹ A long term care facility is better known as a nursing home where elderly people live for purposes of receiving medical care.

In response to that need, the Province is providing more long term care facility beds. In the past two years, there have been five new proposals for long term care facility beds (550 beds) in the region.

Coupled with the new beds is the trend for private long term care facility operators to develop facilities that would allow for ageing in place. For example, there may be different housing arrangements in one complex: senior citizens apartment building (independent living), retirement home (semi-independent living) and a long term care facility (full time care).

Planning Policies

Both local and regional Official Plans do not have comprehensive policies for long term care facilities. In addition, the terminology and performance standards for nursing homes and homes for the aged in the Hamilton Zoning by-law are outdated. The planning policies need to be modernized to reflect the growing demand for these facilities.

Residential Care Facilities²

Both the Province and the City of Hamilton have been interested in the topic of residential care facilities and their location for over 20 years. In the early 1980's, the City of Hamilton developed comprehensive planning policies, which established regulations for the location of these facilities. The regulations were based on the following facts/principles:

- the provincial government was moving towards "deinstitutionalization";
- the facilities should be akin to "family like settings" and they should integrate into the community;
- an over concentration of facilities would lead to "ghettoization" of an area and may have negative impacts. It would also have the effect of re-establishing the "Institution like settings";
- standards should be established to allow these facilities to locate "as-of-right" in the community;

By-law No. 81-27 incorporated specific definitions (i.e. residential care facility, short term care facility), identified maximum capacities for facilities and provided

² A residential care facility is a building where a group of people who live together outside their home, for social, emotional or physical reasons, are supervised in their daily living. residential care facility definition includes short term care facility , group home, retirement home, corrections residence, etc.

a radial separation distance of 180m between facilities. These regulations implemented the principles established above.

Since the passage of By-law No. 81-27, there have been no general text changes nor has there been an overall review of the effectiveness of the policies/regulations. How have the distribution of facilities and the type of facility changed over the past 20 years?

Distribution of residential care facilities and beds in Hamilton

In 1978, the first residential care facility inventory was undertaken and almost 75% of the facilities are located in Wards 2 and 3.. A review of the existing facilities indicates that at least 42% of the facilities still exist today. The concentration of facilities in Wards 2 and 3 can partly be traced back to the 1970's and early 1980's, when many of the municipally licensed residential care facilities located in this area. With changes to planning policies, many of these facilities do not comply to the existing Zoning By-law regulations, however, they are considered as "legal non-conforming uses".

It appears this concentration has not diminished over time. Wards 2 and 3 combined have 66.9% of the total number of beds. There are 13 neighbourhoods in the City that have 50 or more beds. Ten of those neighbourhoods are in Wards 2 and 3. One of the reasons this concentration has not lessened is that many of the facilities that existed prior to the residential care facility by-law (81-27) have a "legal non conforming" status, while others have established compliance with the Zoning By-law through Committee of Adjustment and zoning applications.

The 180m radial separation distance has been effective in the establishment of new facilities. In the 1990's, there was "burst" in the number of provincially funded residential care facilities being developed. Map 3.2 clearly illustrates how the majority of provincial facilities are located outside the centre of the city.

Similar to the long term care beds, there has been a growth in the number of residential care facility beds for seniors. Seventy-six percent of zoning applications for residential care facilities were for senior citizens. The trend in this area is for larger facilities (21+ residents). Approximately one fifth of the residential care facility beds in Hamilton are located in facilities within 21 or residents or more, the vast majority of which are for senior citizens. There have been a number of large older buildings, such as schools which have been converted to retirement homes and due to their size can accommodate over 50 residents. There is a need to recognize these retirement home uses in the Zoning By-law as separate categories because of their land use implications (i.e. need to be close to services, parking and loading requirements).

Another change that is taking place is the growth of supportive housing. Generally, supportive housing is where an individual owns or rents his/her residence and receives care within that residence. The Province provides individuals with funding (Individual Support Agreements) which allows the individuals and/or their families to make choices surrounding their care and living arrangements. The Zoning By-law does not and cannot regulate this form of living arrangement. It is often confused with traditional residential care facilities where individuals are referred to facilities for their care which cannot take place in their home.

Distribution of residential care facilities and beds in the other area municipalities

On a region wide basis, Hamilton (as of January 2000) has the most number of beds (2621). However, that share of beds (69.1%) is equal to the percentage of the population in Hamilton (69%). A similar comparison can be made for the other municipalities with the exception of Ancaster and Dundas that have a higher number of beds (9.8% and 6.2% respectively) then its regional share of the population (5.0% and 4.8% respectively). Stoney Creek, Flamborough, and Glanbrook have lower percentage of beds compared to their populations.

However, when comparing the number of facilities per municipality, the distribution pattern changes significantly. Hamilton and Dundas, as can be expected, have the highest number of facilities per capita, followed closely by Flamborough.

With the exception in Dundas, the number and location of residential care facility beds in the other municipalities is strikingly different. Dundas has similar concentration of facilities in the central business district with 57% located in this area.

There is no identifiable concentration of residential care facilities in the other municipalities. In fact, Flamborough has the widest dispersion with facilities scattered throughout the Town.

Planning Policies

In an attempt to understand the differences between the planning approaches the municipalities, a review of the regulations and policies was undertaken. There is a wide variation in policies across the region - differing radial separation distances (180m vs. 1600m); inconsistent terminology; differing limits on maximum bed capacities of facilities and restriction on their location, uses permitted "as-of-right" and some require a rezoning. These differing planning policies maybe one factor that has contributed to the unequal distribution of residential care facilities across the region. Other reasons include: lack of support services and the availability of and cost of suitable dwellings.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 2000 June 5
DA-00-07
Kentley Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Site Plan Control Application DA-00-07 for the demolition of the former Eaton's store and relocation of the existing Fortino's grocery store at 75 Centennial Parkway North (Eastgate Square) (PDC00115)

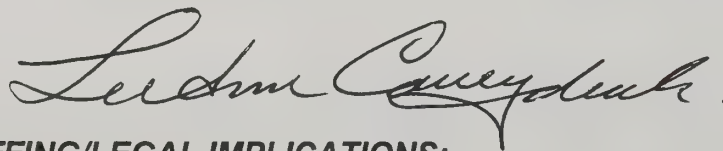
RECOMMENDATION:

That approval be given to Site Plan Control Application DA-00-07, Cadillac Fairview, owner for lands located at 75 Centennial Parkway North (Eastgate Square), to permit the demolition of the former Eaton's store and construction of a new 8,135 m² (87,570 sq.ft.) Fortino's grocery store, as shown on the attached map marked as APPENDIX "A", subject to the following:

- (a) modification to plans in relation to notes and dimensions, as marked in red on the plans;
- (b) submission of a revised landscaping plan to the satisfaction of the Director, Land Development Department;
- (c) submission of a revised grading plan to the satisfaction of the Director, Land Development Department;
- (d) that the applicant enter the necessary agreements with the City of Hamilton for the roadway alterations required on Delawana Drive;
- (e) that the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance;
- (f) that the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within the Delawana Drive and Kenora Avenue road allowances;
- (g) that the applicant receive final approval of Committee of Adjustment Application A-00:24 from the Ontario Municipal Board for relief from the provisions of the City

of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-97, or for a Zoning By-law amendment, to permit the construction of the new Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas;

- (h) that the applicant pay all costs associated with the removal and replacement of the existing trees within the Delawana Drive road allowance that are to be removed as a result of the roadway alterations and new access driveway, to the satisfaction of Superintendent, Forestry and Project Development, Public Works and Traffic;
- (i) That the applicant close Site Plan Control Application DA-98-44, being the previously approved site plan to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, and,
- (j) That the Acting Clerk be directed to advise the Ontario Municipal Board as to City Council's decision with respect to Site Plan Control Application DA-00-07.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall consider an application for Site Plan Control.

BACKGROUND:

Development Proposal

Plans have been submitted for the redevelopment of Eastgate Square (known municipally as 75 Centennial Parkway North). Specifically, the applicant is proposing to demolish the portion of Eastgate Square that was formerly occupied by Eaton's and to relocate the existing Fortino's grocery store into a new 8,135 m² (87,570 sq.ft.) addition, as shown on the attached map marked as APPENDIX "A".

In addition, the applicant is proposing to reconfigure the access driveways and parking areas on the north-westerly quadrant of the subject lands.

The details of development are as follows:

- Net Lot Area: 17.60 ha
- Building Coverage
 - Existing: 51,211 m²
 - Proposed: 54,040 m²

- Building Height 1 storey (10.9 m)
- No. of Parking Spaces
 - Existing: 3,174 spaces*
 - Proposed: 2,915 spaces*
 - Required 2,750 spaces*
- Exterior Building Materials: Concrete block, stucco and pre-finished metal siding
- Landscaping: The Kenora Ave. and Delawana Dr. frontage of the subject lands are to be enhanced with new landscaped materials (i.e. trees, shrubs, decorative wall features)

* Note: 1. Of the total on site parking provided, 272 spaces are located within the City of Stoney Creek.
 2. Committee of Adjustment Application A:99-20 established a parking ratio of 5 spaces per 1000 sq.ft of gross floor area ($5/1000 * 550,089 \text{ sq.ft.} = 2,750 \text{ spaces}$).

Site Plan Control Application 98-44

Planning and Development Committee, at its meeting of February 3, 1999, approved Site Plan Control Application DA-98-44. The application was to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square.

As a condition of approval of DA-98-44, the applicant was required to obtain the necessary approvals from the City of Hamilton for the roadway alterations and enter into the applicable agreements with the City of Hamilton for the roadway alterations required on Delawana Drive. Separate approvals were required for the proposed alterations to the access point on Centennial Parkway. The required roadway alterations to Delawana Drive were approved by City Council at its meeting of January 18, 2000.

As a result of the closure of the former Eaton's store, Fortino's has decided not to proceed with the expansion of the existing store but instead is proposing to relocate the grocery store to the north-west quadrant of the existing shopping mall.

Committee of Adjustment Application A-00:24

The Committee of Adjustment, at its meeting of April 5, 2000, denied an application by Cadillac-Fairview to permit the proposed relocation of the Fortino's store and reconfiguration of the shopping mall, parking areas and access driveways.

The Committee of Adjustment provided the following reasons for denying the application:

- "1. The Committee acknowledges that the variance is technical in nature, however, considers the proposal to be premature until such time as all area residents' concerns have been properly addressed through the site plan control process.
2. The Committee having regard to the evidence is of the opinion that the relief

2. The Committee having regard to the evidence is of the opinion that the relief requested would have an adverse impact on the neighbouring lands."

The decision has been subsequently appealed to the Ontario Municipal Board. A hearing date has been scheduled for July 5-6, 2000.

COMMENTS RECEIVED:

The Traffic Division, Department of Public Works and Traffic has advised that the applicant will be responsible for all costs associated with the modifications to Delawana Drive such as the widening of the roadway, construction/relocation of the raised concrete island, restoration of the sidewalk and boulevard and the removal and installation of pavement markings.

In addition, the Traffic Division has also advised that to eliminate short-cutting through the neighbourhood, the access to Delawana Drive will be restricted to left turns in and right turns out only. The access to Kenora Avenue will be restricted to right turns in and left turns out only.

The site plan as originally submitted showed truck access onto Kenora Avenue. The Traffic Division has advised that Kenora Avenue and Delawana Drive are not permissible truck routes. As such, the applicant has revised the site plan to remove the internal truck route access from Kenora Avenue. (see APPENDIX "B")

The Building Department has advised that Committee of Adjustment decision A-99:20, permits the variances generated by the previous site plan application (DA-98-44), subject to a maximum gross floor area of 90,000 sq.ft. (see APPENDIX "C").

The Regional Environment Department has commented on various matters dealing with the grading plan, works within the road allowances and day-light visibility triangles. In addition, they have advised that prior to the placement of any plantings within the road allowances, the applicant will be required to enter into an encroachment agreement with the Region of Hamilton-Wentworth (see APPENDIX "D").

The Horticulture Section, Department of Public Works and Traffic have advised that there comments applicable to the previous site plan control application (DA-98-44) still apply. Specifically, there are twelve trees that will have to be removed to accommodate the proposed access driveway. The trees average 20 cm (8") in diameter and are of a Norway Maple variety. The total cost for the removal and replacement of these trees is \$11,449 (see APPENDIX "E").

COMMENTS:

1. Modifications are required to the plans related to the reconfiguration of the access points, daylight triangles, etc. in response to comments from the various departments.

2. Prior to making the minor variance application, the applicant held a neighbourhood meeting to discuss the proposed Fortino's expansion. At the neighbourhood meeting, the primary issues raised by the neighbourhood were truck traffic, building design and the treatment of the landscape strip and boulevard portion of Kenora Avenue and Delawana Drive. These concerns were part of the Committee of Adjustment's rationale for deeming the minor variance application to be premature until such time as all area residents' concerns have been properly addressed through the site plan control process.

Truck Traffic: The site plan as originally submitted identified an internal truck route from whereby trucks would enter the subject lands from the Delawana Road access. Truck traffic would depart from the loading area and leave the subject lands from the Kenora Ave. access point and travel north towards the signalized intersection at Queenston Road. In response to this proposal, the Traffic Division advised that Kenora Ave. and Delawana Dr. are not permissible truck routes. As such, the applicant could either petition the Transport and Environment Committee to permit truck traffic along these roadways or the applicant could revise the site plan to modify the internal parking/access layout to provide truck manoeuvring to/from Queenston Road and/or Centennial Parkway.

The applicant has revised the site plan to remove the internal truck route access from Kenora Avenue and truck movements to and from the subject lands will be from Queenston Road and/or Centennial Parkway. As such, the concerns regarding truck traffic have been incorporated into the revised site plan.

Landscape Treatment and Building Elevation: There are presently two rows of trees along Kenora Avenue and Delawana Drive that were required as part of the original development plan for the subject lands. In addition, a fence was provided between the rows of trees. The fence has subsequently been removed and at the neighbourhood meeting several residents commented on the quality of the landscape treatment adjacent to the road allowances.

The original site plan submission proposed additional landscape planting materials along the portion of Kenora Avenue adjacent to the proposed addition. Development Planning staff advised the applicant that additional landscaping works were required to provide for a buffer for the adjacent single detached dwellings from the proposed addition and to improve the existing landscape planting strip along Kenora Avenue and Delawana Drive. The applicant has subsequently submitted a revised landscape plan and building elevations in response to staff's concerns. However, while the quantity of materials is acceptable, additional "fine-tuning" of the landscape plan is required with respect to species type and location. In addition, the revised landscape plan incorporates a decorative wall and landscape feature at the intersection of Kenora Ave. and Delawana Drive in addition to a new pedestrian connection from Delawana Drive to the subject lands.

The revised building elevation, which provides for a mixture of building materials to minimize the visual effect of the westerly portion of the addition, is acceptable to

staff. In this regard, the provision of the stucco accent in conjunction with the existing and proposed landscape planting materials and decorative wall features will mitigate the visual effect of the proposed building addition for the existing single detached dwellings along Kenora Avenue.

3. The applicant is proposing to revise the layout of the parking and driveway areas and the landscaping areas from that shown on Schedule "B" of By-law 71-97. In this regard, the applicant is required to receive final approval for Committee of Adjustment Application A-00:24 for the necessary variances from Schedule "B" of By-law 71-97 to permit the proposed development.

The decision of the Committee of Adjustment has been appealed to the Ontario Municipal Board (OMB) because the Committee deemed the minor variance application to be premature until such time as all area residents' concerns have been properly addressed through the site plan control process. As such, it is appropriate that the OMB be advised of Council's decision with respect to the site plan application.

4. The Regional Environment Department has advised that a revised grading plan is required to clarify existing and proposed grades and slopes to accommodate storm water management.

In addition, the applicant will be required to enter into the necessary agreements with the City of Hamilton for the roadway alterations required on Delawana Drive in keeping with the previously approved site plan. The applicant will be responsible for all costs associated with the road works, utility relocation, municipal advertisement, etc.

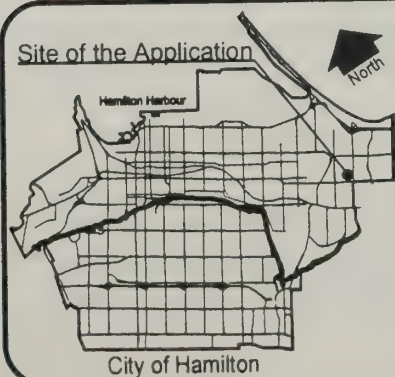
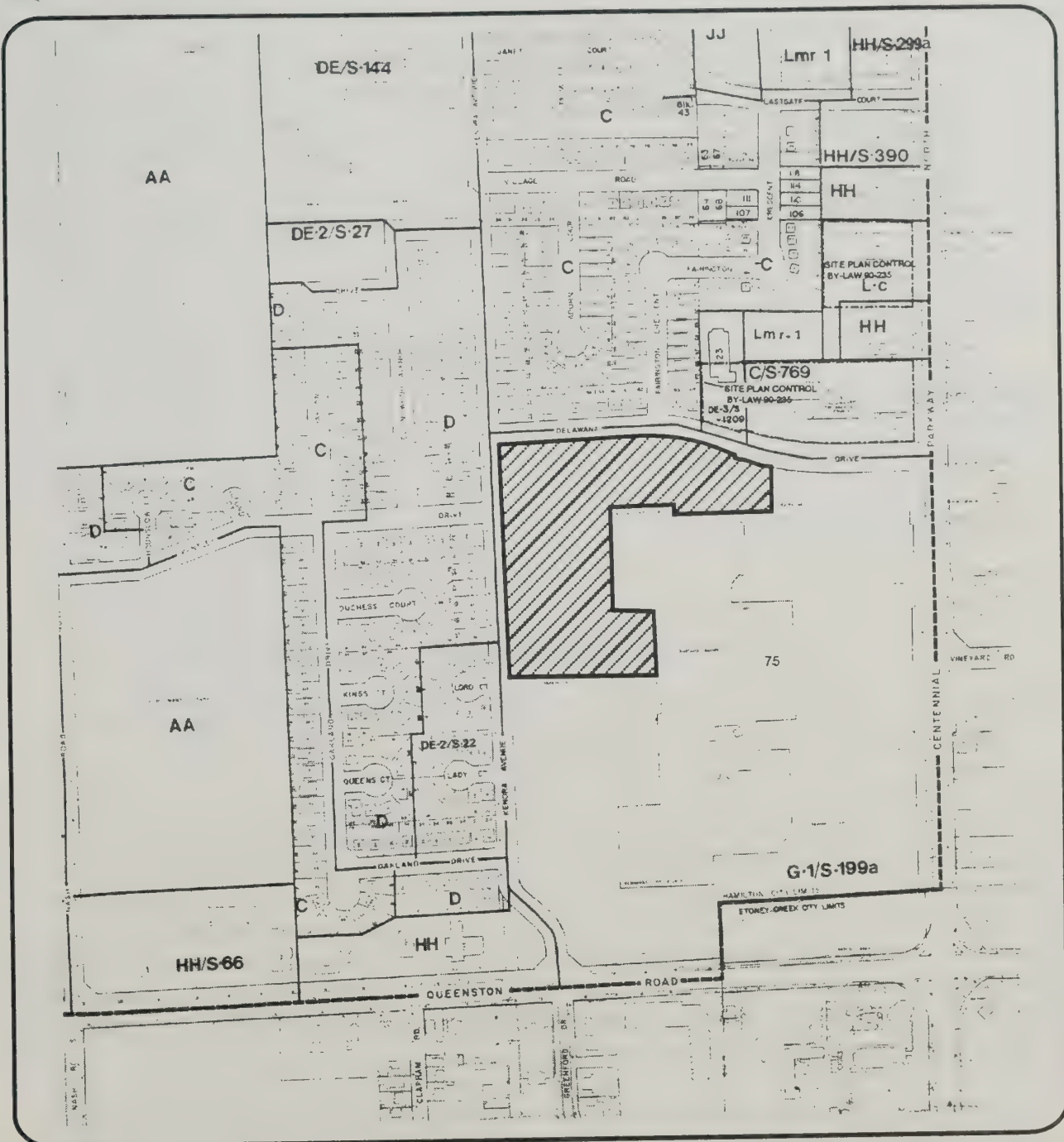
As a result of the relocation of the access driveways onto Delawana Drive, it will be necessary to remove several trees within the boulevard portion of the road allowance. The Forestry Section has advised that the applicant will be responsible for all costs associated with the removal and replacement of the trees. The cost for the removal of the trees is as follows:

• Cost to remove trees:	-	\$ 1,100.00
• Cost to install and maintain 24 large calliper trees:	-	\$ 9,600.00
• Total Cost (including G.S.T.):	-	\$11,449.00

As part of the previous site plan application, City Council at its meeting of January 18, 2000, approved the removal and replacement of the trees within the road allowance.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Site of the Application

Reference file
DA-00-07

Scale
Not to Scale

Date
Mar., 2000

Technician:
B. B.

APPENDIX 'A'

Should you require further information, please contact me at 546-2066.

Yours truly,

A handwritten signature in black ink, appearing to read "Ed Switenky". The signature is fluid and cursive, with the first name "Ed" written in a larger, more prominent script than the last name "Switenky".

Ed Switenky, CET
Supervisor of Traffic Studies/Traffic Technologist

ES/str

c.c. H. Groen, Development Co-ordinator, Roads Division

COMMUNITY PLANNING & DEVELOPMENT (BUILDING)71 Main Street West, Hamilton, Ontario L8P 4Y5
Telephone (905) 546-2720 / Fax (905) 546-2764**City of
HAMILTON**

FILE: DA-00-07

ATTENTION OF: John Gamble

TELEPHONE NO: (905) 546-2001

March 28, 2000

MAP NUMBER: E-104 and E-105

PRESENT ZONING: G-1/S-199 and 199a

P.D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design
Community Planning and Development
Planning Section

Attention: Stephen Robichaud

Dear Stephen:

RE: DA-00-07
75 CENTENNIAL PARKWAY NORTH

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH					
TO		STAFF	MEET	WAS	ACT
	DIR.				
	AREA				
	PLANNING				
	DATA				
	RECORDS				
	STUDIES				
	ADMIN.				

Stamp: MAR 30 2000
Handwritten initials: S.R.

The above, under cover of your letter dated March 7, 2000, has been examined.

COMMENTS:

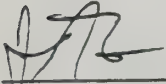
Committee of Adjustment decision A-99:20, which permitted the variances generated by DA-98-44, permits this new altered development except in the following particulars.

1. Seven (7) loading spaces are provided but nine (9) are required.
2. The side yard width required for the north side of the proposed addition, since it is 12m in height and adjacent to a street, is 11.0m (29.53') while 8.5m is provided.
3. The height permitted a wall sign is 2.0m but the "Fortinos" sign on the north elevation is about 8.5 feet high (the drawings are illegible).
4. The excludable floor area permitted for the G.F.A. calculation (S-199 Section 2.(a)(i)D) is 90,000 square feet and at 90,144 square feet, this is exceeded.

Continued on Page Two

5. It cannot be determined if the fire requirements of O.B.C. 3.2.5 have been met, as the radius of the turns in the north and west access drives is not shown.

Yours truly



for the Building Commissioner

JG/zr

c.c. Dana Turnbull

Community Planning and Development Division Land Development Department

Memorandum

PLANNING & DEVELOPMENT				
LOCAL PLANNING BRANCH				
APR 14 2000				
TO	PLANNING	DEVELOPMENT	APPROVAL	NOTES
FROM	PLANNING	DEVELOPMENT	APPROVAL	NOTES
DATE	PLANNING	DEVELOPMENT	APPROVAL	NOTES
SUBJECT	PLANNING	DEVELOPMENT	APPROVAL	NOTES
FILE	PLANNING	DEVELOPMENT	APPROVAL	NOTES
S.R.				
E220-1102				
APPROVAL				
NOTES				

TO: P. D. Mallard, M.C.I.P., R.P.P.
Manager
Development Planning

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Development Engineering Section

DATE: 2000 April 14

SUBJECT: Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

The grading plan submitted dated March 2000 will be approved with respect to grading when the following revisions have been dealt with.

1. A notation should be included on the grading plan as to how the roof leaders of the new addition will discharge, either directly to the sites storm sewer or overland.

If the applicant/owner intends to discharge the rain leaders directly to the surface we will require the submission of a storm water management report prepared by a qualified Engineer, showing that the proposed works will have no impact on the subject or adjacent lands.

2. Our standard notes with respect to grading plans must be included on the plan. A copy of these notes are attached for your reference.

Item # 7 on the plan under the "Site Grading and Storm Water Management Notes" should reflect our attached standard notes.

3. Existing elevations are difficult to read and must be clarified.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

4. On Sheet 2 of 3 the access off Delawana Drive is highlighted with dashed lines, and a note indicates to refer to notes and details on Drawing 3 for Phase II works. Under Phase II this access is to be closed and an island is to be constructed, however the island is also indicated on Sheet 2 of 3. For clarity purposes we would recommend that this island be shown only in the detail for the Phase 2 works.

In addition, a double catch basin within the Phase II works at the bottom of Sheet 2 of 3, "the new access", is indicated as being relocated. Is this relocation to be done under Phase 1 or 2? If it is to be done under Phase 2 the note on Sheet 2 of 3 should be eliminated and reference to its relocation only be made on the Phase 2 detail.

5. Just east of the eastern most access of Delawana Drive the proposed gutter elevation indicated, 90.78 m, is 0.27 m lower than the existing elevation. How will this difference in grade be dealt with?
6. Please clarify what areas are to be paved under Phase 1 and 2?
7. Proposed elevations should be provided on the top of sidewalk between the east end of the new food store and the existing Eastgate Square Building. It should be noted that our maximum cross fall on sidewalks is 2.0 %.
8. At the face of the loading dock the slope of the asphalt is less than our minimum of 1.0 %.

Item # 15 under the "Site Grading and Storm Water Management Notes" section should be revised to indicate minimum asphalt slope of 1.0 %. Sodded drainage swales to have a minimum 2.0 % slope.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

9. All plans intended to represent the proposed grading on the site should be labelled as such. Sheet 3, which is labelled as "Notes and Details", but includes proposed grading works.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that a qualified professional engineer, architect or landscape architect must stamp the estimate.

The applicant/owner should be advised that prior to the commencement of any sewer and/or water servicing works external to the proposed building, permits are required from the Region's Community Planning and Development Division. A servicing drawing must be submitted for review prior to making official application for these permits, however the following comments are noted at this time to expedite this final review. Where indicated please include the standard notes on the plan.

1. Note: All services to be installed as per Region of Hamilton – Wentworth Specifications Manual (latest edition) and Ministry of Environment (MOE) Guidelines (latest edition).

Item # 15 under the "Sewer" notes section and item # 12 under the "Watermain notes section on the plan should be changed accordingly.

2. In accordance with Regional standards catch basin maintenance holes are not permitted for use within Hamilton. Item # 8 under the "Sewer" notes section should be removed from the plan.
3. Catch basins are to be equipped with a Regional goss trap as per RSS-410. Please indicate this in the related note on the plan.
4. With respect to item # 13 under the "Sanitary" notes section it should be noted that the installation of services both on private property and within the Road allowance is to be done by the owner's contractor and not the City or Region. Within the road allowance all works must be done by a contractor bonded with the Region.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

5. As the plan indicates that PVC watermain is to be used the following standard notes must be included on the plan.

PVC pipe in sizes 100 mm through 300 mm shall be Class 150 DR18 conforming to AWWA C900.

Tracer wire shall be installed with all PVC pipe. Tracer wire shall be 12 gauge TWN multi strand copper and shall be installed along with all PVC watermain at the 12 o'clock position and as close to the pipe as possible. The tracer wire shall be brought to the surface at all fire hydrants, looped twice around the hydrant barrel 100 mm below the finished grade and fastened by means of a washer to a breakaway flange bolt. The tracer wire shall also be connected to the cathodic protection system as required.

Moulded PVC fittings for water pipes 100 mm to 300 mm shall conform to AWWA C907 and shall be certified to CSA B137.2.

Fabricated fittings 250 mm and 300 mm shall be manufactured from segments of AWWA C900, Class 150 (DR18) PVC pipe, bonded together and over wrapped with fibreglass-reinforced polyester to meet the requirements of CSA B137.3.

Where metal fittings are to be used on PVC mains sufficient cathodic protection must be provided to the satisfaction of the Engineer.

6. Note: Watermain bedding, cover and backfill to be as per RWS-500 with granular "A" to be used for both bedding and cover for services greater than 50 mm. For services 50 mm and less granular "D" to be used for bedding and cover.
7. As there are two water meter chambers shown it is assumed that the combined water service is looped through the site. Existing water meters within the chambers must be capable of reading both fire and domestic flows and must be equipped with check valves. Please provide detail

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North - Eastgate Square

Cont'd...

With respect to the chamber off Kenora Avenue, it is unclear how the sites water service is connected to the chamber. In addition, a note indicates "Remove existing watermain from here to existing building and install proposed 250X250X250 mm tee. Connect 250 mm to 150 mm reducer for proposed 150 mm W/M." It is however, unclear as to where the tee and reducer are to be located.

Please indicate the size of the secondary meter at the service point of entry to the proposed building.

8. The applicant/owner must ensure that the minimum horizontal and vertical separations are maintained between all watermains and sewers.
9. All proposed servicing works should be shown on the same servicing plan or all plans intended to represent proposed servicing should be labelled as such. On Sheet 3, labelled as "Notes and Details", there a proposed catch basin works shown.
10. As we do not permit the connection of catch basin leads into catch basin leads, the proposed two single catch basins should either be connected directly into the existing maintenance hole or adjacent main sewer. Alternatively and if the existing double catch basin lead has capacity, size is not indicated, a maintenance hole can be installed just north of the double catch basin thus making this lead into a sewer.

Please indicate the size and slope of the catch basin leads.

The existing sewer system to which these catch basins connect should be shown on the plan.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

The following comments were received from the Regional Transportation, operations and Environment Division, Roads Section.

1. The designated road allowance width of Queenston Road is 36.58 m. In accordance with this designation the applicant/owner should be advised of a future road allowance widening to the Region of Hamilton-Wentworth of a strip of land approximately 4.57 m in width on the portion of the property within the City of Stoney Creek.
2. The designated road allowance width of Centennial Parkway is 36.58 m. In accordance with this designation the applicant/owner should be advised of a future road widening to the City of Hamilton of a strip of land approximately 3.048 m in width on the portion of the property within the City of Stoney Creek.
3. The applicant should be advised of a future daylight triangle widening to establish a 12.19 m by 12.19 m daylight triangle from the widened limits of Centennial Parkway and Queenston Road.
4. It is our understanding that there will be changes to the existing access to Delawana Drive and that the previous roadway improvements approved under Site Plan Control Application DA 98-44 will be required as a condition of this site plan approval. The only variation to the previous access approval will be the fact that eastbound right-in traffic movements at this new access will no longer be permitted. All the plans registered on title must reflect the new access and required road way improvements on Delawana Drive.

The Traffic Division will be reviewing the other on-site traffic and access issues and be providing their comments on the truck movements, other access closures and designs under separate cover.

5. As a condition of site plan approval, the applicant/owner must enter into an appropriate agreement with the City of Hamilton for the roadway alterations required on Delewana Drive. These roadway improvements, with the latest modifications to the access, must conform to the Road Alteration By-law previously approved by City of Hamilton Council. All costs for the road works, utility relocation, etc. are the sole responsibility of the applicant/owner.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

6. As a condition of site plan approval, any lands required from this property to construct the roadway improvements on Delawana Drive must be dedicated to the City of Hamilton for road widening purposes. This is required to maintain the Utilities in their respective Corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance. The plans must be modified, as required, to accommodate the roadway improvements during the specific Phase of development required by the Traffic Division.
7. There appears to be a significant grade difference between the parking area on private property on the pavement elevations on Delawana Drive, which must be addressed.

The grading plans do not provide the previous details on the toe wall, the road allowance widening adjacent to the parking areas in the vicinity of the Delawana Drive access, the relocated parking areas, etc.

8. Due to the horizontal curve on Delawana Drive we require that a vision triangle be provided for motorists entering Delawana Drive looking left. This vision triangle should be sufficient to provide a minimum of 85 m sight distance from the stopped drivers eye position in the new access to the south edge of roadway curb looking left. The grading, site and landscape plans must be revised accordingly to reflect this requirement. This may require the relocation/removal of parking spaces on private property.
9. The proposed access relocation will have a significant impact on the existing landscape berms and trees currently located on private property and the Delawana Drive road allowance. The removal of the street trees for the new access to Delawana Drive was previously approved by Hamilton City Council. As a condition of site plan approval we require that prior to the beginning of roadway construction that the applicant/owner pay to the City of Hamilton the monies required to remove and replace the street trees. This tree removal and replacement value must be to the satisfaction of the Forestry Section of our Division.

The removal and relocation of these trees is not shown on the Landscape Plan submitted with this application and the plans should be revised accordingly.

Cont'd...

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

10. We require that 5 m by 5 m visibility triangles be provided between the access and the road allowance limits in which the maximum height of any object or mature vegetation must not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of the adjacent streets.
11. Any works within the Kenora Avenue, Delawana Drive and Centennial Parkway road allowances must conform to the City of Hamilton Streets By-laws. Details of the removal of the access to Delawana Drive, trees, landscaping and grading of this area, etc. should be shown on the plans.
12. Prior the any works adjacent to or within the road allowances the applicant/owner must contact all the respective Utilities, including Regional Services, etc; to ensure that the aerial, vertical and horizontal clearances and required support under their facilities conforms to their requirements. All costs to relocate the Utilities, if required, are the sole responsibility of the applicant/owner.
13. The applicant/owner must enter into an Encroachment Agreement with the City of Hamilton for the existing and proposed landscape berms and trees within the Delawana Drive road allowance. No additional works can occur until this Agreement is registered on title.
14. We have reviewed this application on the basis that the existing accesses to Centennial Parkway and the median islands on Centennial Parkway will not be changed.
15. Care must be taken to ensure that the works on private property adjacent to Kenora Avenue do not affect the street trees within the road allowance.
16. As a condition of site plan approval we require that the applicant/owner enter into an Encroachment Agreement for the proposed landscaping, walkway and steps within the Kenora Avenue road allowance. As noted in Item 12, the owner must first contact the Utility Companies to ensure that their facilities are not affected by this work. According to our drawings there are gas mains, etc. in this area of the road allowance.

Cont'd...

- Page 9 -
April 14, 2000

Site Plan Control Application DA-00-07
for 75 Centennial Parkway North – Eastgate Square

Cont'd...

Should the Encroachment Agreement be approved we recommend that the vegetation, steps, etc. be set back a minimum of 1.0m from the municipal sidewalk for snow storage, etc.

If there are any queries with respect to the Roads Section comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to any grading or servicing questions.



Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww
Attach.

O:\Subdivis\Hamilton\DA2000\DA0007.1.Dot

NOTES ON GRADING PLAN

- (1) Any changes in grades and catch basins require the approval of the Director, Community Planning and Development Division.
- (2) All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10 % maximum grades.
- (3) The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
 - Road cut permits
 - Sewer permits
 - Approach approval permits
 - Relocation of services
 - Committee of Adjustment
 - Encroachment agreements (if required)

Regional Municipality of Hamilton-Wentworth
Regional Environment Department
Development Agreements (Hamilton) - Guide for Estimating Security Requirements

<u>ITEM</u>	<u>DESCRIPTION</u> (examples only)	<u>QUANTITY</u>	<u>UNIT COST</u>	<u>TOTAL</u>
1. Asphalt Binder	"x" mm	m2 or tonnes	\$/m2 or \$/tonne	\$
2. Asphalt Surface	"x" mm	m2 or tonnes	\$/m2 or \$/tonne	\$
3. Granular "A" Base	"x" mm	m2 or tonnes	\$/m2 or \$/tonne	\$
4. Concrete Curbing	type ("x" mm by "x" mm)	m	\$/m	\$
5. Concrete Walks	"x" mm by "x" mm	m2	\$/m2	\$
6. Catch Basins	Single	number required	\$/each	\$
	Double	number required	\$/each	\$
7. Storm Sewers	Size	m	\$/m	\$
8. Road Cut/Repair	Size	m2	\$/m2	\$
9. Storm M.H.'s	Depth/Size	number required	\$/each	\$
10. Retaining Walls:	Pressure Treated ("x" mm by "x" mm)	m2 of wall face	\$/m2 of wall face	\$
	Precast Concrete or Armour Stone etc.	m2 of wall face	\$/m2 of wall face	\$
11. Topsoil	"x" mm	m2	\$/m2	\$
12. Sod	No. 1 Nursery Sod	m2	\$/m2	\$
13. Fencing	1.5 m Chain Link	m	\$/m	\$
	1.8 m Chain Link	m	\$/m	\$
	1.5 m Pressure Treated	m	\$/m	\$
	1.8 m Pressure Treated	m	\$/m	\$
14. Brick or Concrete Paving Stones		m2	\$/m2	\$
15. P.S.T. and G.S.T.				\$
TOTAL				\$

Note: Landscaping items (ie trees, shrubs etc.) have not been included in the above noted guideline as these security requirements are under the review of the City of Hamilton Planning and Development Department. Please contact their Offices for details.

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

The security estimate submitted must be stamped by a qualified professional engineer, architect or landscape architect.

Estimate must include cost of materials, labour etc.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

PLANNING & DEVELOPMENT LOCAL PLANNING SECTION	
TO	DATE
TO: P.D. MALLARD, M.C.I.P., R.P.P. Division Head Development and Urban Design	
YOUR FILE:	
OUR FILE: 99-2205.000	
PHONE: 546-4228	

TO: P.D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

Attention: Steven Robichaud

FROM: J. Pook
City Horticulturist
Department of Public Works & Traffic

SUBJECT: Site Plan Control Application DA-98-44
For 75 Centennial Parkway North

YOUR FILE:

OUR FILE: 99-2205.000

PHONE: 546-4228

DATE: January 6, 1999

Further to your letter of December 11, 1998 regarding the above subject, staff have reviewed the related plans and provide the following comments.

A site inspection of the above subject property revealed there to be nine trees on the Delawana Avenue side and three trees on the Centennial Parkway side that will have to be removed to accommodate the proposed driveways. The trees average 8" in diameter and are of a Norway Maple variety.

If the driveways can not be designed so as not to impact on the existing trees and their root systems then the trees will have to be removed. As per By-law No. 92-155 respecting trees City Council approval will be required for the removal of these healthy trees. Also as per the By-law the developer will be responsible for the tree removal and equivalent replacement tree costs.

Costs to remove 12 Trees
(including stump grinding) \$ 1,100.00

Costs to install and maintain 24 large Caliper Trees
(equivalent replacement value) \$ 9,600.00

Total (including GST) \$11,449.00

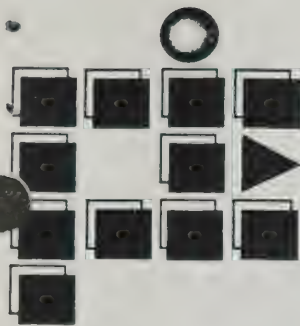
The new trees will be planted on City property adjacent to this complex so as to enhance the immediate area.

Following City Council approval please have the developer forward a cheque in the amount of \$ 11,449.00 including taxes made payable to the City Treasurer, Public Works and Traffic Department, 71 Main Street West, Hamilton, Ontario, L8P 4Y5, Attention Mr. Doug Anderson.

Should you require further clarification or technical assistance please do not hesitate to contact Chuck Keenan at (905) 546-4204.

JP/CK/nb

cc: C. Keenan, Foreman, Forestry
K. Jones, Foreman, Forestry
D. Anderson, Timekeeper



PLANNING & ENGINEERING INITIATIVES LTD. 6.

□ 379 Queen Street South
Kitchener, Ontario N2G 1W6
Tel. (519) 745-9455 Fax (519) 745-7647
e-mail: kitchener@peil.net
website: www.peil.net

□ 360 James Street North
Suite 200, East Wing
Hamilton, Ontario L8L 1H5
Tel. (905) 546-1010 Fax (905) 546-1011
e-mail: hamilton@peil.net

□ 450 Britannia Road, Suite 450 B
Mississauga, Ontario L4Z 1X9
Toll Free: 1-877-822-3798
Tel. (905) 890-3550 Fax (905) 890-7081
e-mail: GTA@peil.net

PLANNERS
CONSULTING
ENGINEERS &
LANDSCAPE
ARCHITECTS

City of Hamilton
Community & Planning Department
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Ms. Tina Agnello, Secretary

Dear Ms. Agnello:

**RE: ADAPTIVE REUSE/REDEVELOPMENT
GARFIELD LOFTS, 73 GARFIELD AVENUE SOUTH,
STIPELEY NEIGHBOURHOOD IN THE CITY OF HAMILTON**

June 13, 2000

File No: HP701

OFFICE OF THE MUNICIPAL CLERK

JUN 13 2000

REC. BY DATE
REF'D TO DATE
RES'D TO DATE
SEND TO DATE

T. Agnello

We represent Icon International Holdings Inc., the recent purchasers of the former CKOC building at 73 Garfield Avenue South within the Stipeley Neighbourhood. We are requesting delegation status at the June 21st Planning and Development Committee Meeting to discuss the above mentioned. Our clients are proposing the conversion of the former commercial 2½ storey building for 10 condominium lofts which will be known as the Garfield Lofts.

The proposed Garfield Lofts are outside the "Downtown Open for Business" policy area and therefore, do not qualify for the downtown redevelopment incentives although the nature of the adaptive reuse development warrant similar consideration as that of any community improvement project within the downtown core. We are of the opinion that the Stipeley neighborhood should benefit from the same policies and consideration of that of the downtown core, taking into account the age and nature of the neighborhood and building.

At Committee, we wish to discuss waiving the related development fees (building, park dedication, condominium applications etc). This older unique building is located in an established, mature neighbourhood. The extensive resurgence in the Stipeley Neighbourhood and the recent renovations of existing dwellings warrants consideration for redevelopment incentives.

Paul Puopolo, MA, MCIP, RPP
OALA, President

John Ariens, MCIP, RPP

Mark Dykstra, B.L., Arch., OALA

Steve Frankovich, P. Eng.

Ed Gazendam, M. Eng., P. Eng.

Thomas Hardacre, MCIP, RPP

Victor Labreche, MCIP, RPP

Scott Lang, P. Eng.

Frank J. Lopes, P. Eng.

Sergio Manchia, MCIP, RPP

John Perks, MBA, P. Eng.

David Sisco, B.A.

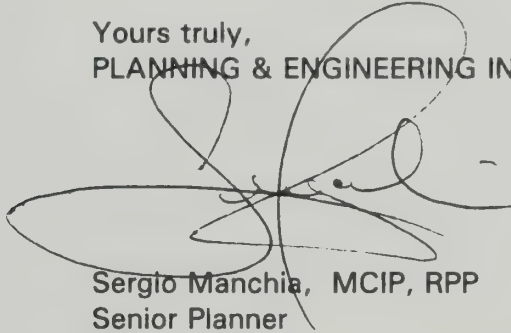
Douglas W. Stewart, MCIP, RPP

Associates:

A.G. (Sandy) McLellan, Ph.D
Jonathan Price, Ph.D
Barry Warner, Ph.D

We trust that our request can be accommodated. We will provide further details at the Planning and Development Committee but should you have any questions or require any additional information please contact the undersigned.

Yours truly,
PLANNING & ENGINEERING INITIATIVES LTD.



Sergio Manchia, MCIP, RPP
Senior Planner

SM/law

cc: Alderman Dennis Haining
Chairman Frank D'Amico
Icon International Holdings
Anthony DiCenzo, DiCenzo and Associates
Guy Paparella, City of Hamilton/Region of Hamilton-Wentworth

AGENDA

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday August 9, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Tina Agnello
Legislative Assistant

CALL TO ORDER

URBAN MUNICIPAL

1. DECLARATIONS OF INTEREST

AUG 09 2000

2. PUBLIC MEETINGS:

GOVERNMENT DOCUMENTS

- 2.1 Zoning Application 95-07 and Site Plan Application 95-01 for "Miles Estate" 50 Miles Road (PDC00130)
- 2.2 Zoning Application 00-15 for 30-40 Margaret Street (PDC00133)
- 2.3 Zoning Application 00-08 for 526 Upper Paradise Road (PDC00134)
- 2.4.1 Heritage Conservation District, (Nos. 869-1019 and 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; Including 2 Fourth Avenue) – Designation (PDC00125) (**not a public meeting**)

-and-

- 2.4.2 City Initiative 00-D for 869-1019 and 870 – 1064 Beach Boulevard – further Modification in Zoning (PDC00124)

2.4.2.1 Submission: Hamilton Region Conservation Authority

3. ADOPTION OF MINUTES

- 3.1 Minutes of the Regular Meeting Held June 21, 2000

4. CONSENT ITEM

- 4.1 Demolition of: 12-14 Brantdale Avenue (PDC00127)
- 4.2 Demolition of 1007 Upper James Street (PDC00128)
- 4.3 Demolition of 1472 Upper Gage Avenue (PDC00129)
- 4.4 Hamilton Emergency Loan Program, 157 Mead Avenue (HSB00012)
- 4.5 Core Heritage 2000 Program, 197 – 199 King William Street (HSB00013)
- 4.6 Revision to Council resolution regarding Zoning Application 99-36, lands South of Chedmac Drive and East of Magnolia Drive (PDC00116A)
- 4.7 Stinson Street School, 180 Grant Avenue – Heritage Permit for Exterior Alterations to 1915 Addition (PDC00131)
- 4.8 Information Items

5. DISCUSSION ITEMS

- 5.1 Proposed Draft Plan of Condominium Conversion – No. 285 King Street West (CDM-CONV-00-03) (PDC00132)
- 5.2 The Downtown Community Improvement Plan Amendment (report to follow)

6. PRIVATE AND CONFIDENTIAL AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

CITY OF HAMILTON

2.1

- RECOMMENDATION -

DATE: 21 July 2000
SAC-95-01 and ZAC-95-07
Broughton West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for approval of a draft plan of subdivision "Miles Estates" and a change in zoning for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road (PDC00130)

RECOMMENDATION:

- A. That approval be given to Subdivision Application 95-01 (Regional File No. 25T-95002), Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners to establish a draft plan of subdivision "Miles Estates", on lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road in the Broughton West Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated December 17, 1999, showing 1 block for park purposes, 76 lots for single detached dwellings and 29 blocks to be developed with the adjoining lands for single detached dwellings, and 26 lots for small lot single detached dwellings, 2 blocks being 0.30 m reserves and to establish 6 streets, attached as Appendix "B";
 - (ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
 - (iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act;
- (v) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
- (vi) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
- (vii) That the streets be dedicated to the City of Hamilton;
- (viii) That the owner agree in writing that Blocks 103 – 131, inclusive, are to be developed in conjunction with the abutting lands shown as Blocks 156 – 158, "Shermal Estates" (Regional file No. 25T-94005);
- (ix) That Lots 36, 37 and 38 not be registered until such time as the applicant has submitted a conceptual lotting pattern for the abutting lands to the east of Street "B" and south of the future east-west street, known municipally as 94 – 114 Miles Road, to the satisfaction of the Manager, Development Planning, Community Planning and Development Division. The configuration of Lots 36, 37 and 38 shall comply with the approved conceptual lotting plan;
- (x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (xi) That no portion of these lands is allowed to develop until a suitable storm and sanitary sewer outlet is available to service any portion of these lands directly;
- (xii) That the owner prepare an Environmental Assessment Study to establish a master stormwater management plan for the Broughton West and Chappel East neighbourhoods to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division. The Environmental Assessment Study will address water quality and quantity issues in accordance with recognized best management practises (BMPs) and the Redhill Creek Watershed Study;

- (xiii) That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:
 - a) plans that show existing and proposed site grades and drainage;
 - b) detailed stormwater management plans implementing the approved recommendations of the master stormwater management plan; and,
 - c) erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices.
- (xiv) That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:
 - a) to carry out or cause to carry out the works referred in condition (xiii), to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division; and,
 - b) To maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner satisfactory to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division.
- (xv) That the owner dedicate Block 132 to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;
- (xvi) That the number of lots be developed shall be restricted until such time as a second watermain feed is available in order to provide looping of the watermain to service this development to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

- (xvii) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access, shall not exceed 100 residential units;
- (xviii) That the undesignated Street at the north west limit of the draft plan adjacent to Lot 1 and Block 103 be established to its full width of 20.0 metres with the establishment of Street "B" north of Street "C";
- (xix) That 9m radius transitions adjacent to Lots 24 & 25, 29 & 30, 64 & 65, 72 & 73, 93 & 94, and 101 & 102 be established on the final plan of subdivision;
- (xx) That a 2m by 2m daylight triangle is required from Lot 46;
- (xxi) That the access to Lot 38 be located at the westerly side of the lot;
- (xxii) That Street "A" align centreline to centreline with the midblock collector street in "Shermal Estates" draft plan of subdivision;
- (xxiii) That the lot depths and dimensions, street locations on Miles Estates plan of subdivision conform to "Shermal Estates" draft plan of subdivision since the alignment of Upper Sherman Avenue has been established on that plan to cross the Hydro Corridor in accordance with Hydro's requirements;
- (xxiv) That the radius of the lot line on Street "F" adjacent to Lot 38 not exceed 20m;
- (xxv) That access to Blocks 122 and 123 must be located outside of the daylight triangles at the intersection of Street "A" and Upper Sherman Avenue with access onto Street "A" only;
- (xxvi) That the owner dedicate a daylight triangle 5m by 5m adjacent to lot 39;
- (xxvii) That the development of any portion of these lands must include a street loop system for service vehicles, transit facilities, buses, etc.;
- (xxviii) That the owner dedicate a road widening on the final plan sufficient to the Region along Miles Road along Street "G";
- (xxix) That the design of the intersection of Street "G" and Miles Road, including the provision of the necessary daylight triangles on the north and south sides of Street "G", be to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

- (xxx) That Blocks 103 to 131, inclusive, cannot be developed until such time as Upper Sherman Avenue is established and constructed to its full designated Right of Way;
 - (xxxi) That the owner submit a tree preservation plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
 - (xxxii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;
 - (xxxiii) That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the Director, Land Development Department, Community Planning and Development Division.
- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-95-01/25T-95002), "Miles Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.
- C. That the Acting City Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division, of Council's decision.
- D. That upon draft plan approval of Subdivision Application 95-01 "Miles Estates" by the Region of Hamilton-Wentworth, that the road pattern in the approved Broughton West Neighbourhood Plan be revised to reflect the road pattern as shown on the proposed plan of subdivision.
- E. That approval be given to **amended Zoning Application ZAC-95-07, Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners**, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block 1), from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block 2) and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks 3 and 4) for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road, in the Broughton West East Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
- (iv) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

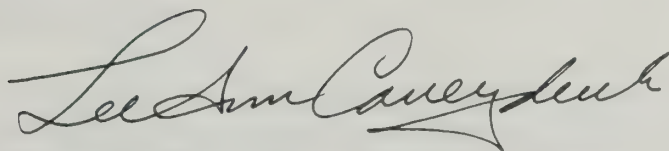
The purpose of the proposed by-law is to provide for changes in zoning for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road, in the Broughton West Neighbourhood, as shown on the attached map marked as Appendix "A" on the following basis:

- Block 1 - From "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- Block 2 - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- Blocks 3 & 4 - From "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District.

The effect of the proposed changes in zoning is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Miles Estates" (Regional File No. 25T-95002) on the following basis:

- Block 1 - 1 block for park purposes;
- Block 2 - 76 lots for single detached dwellings and 29 blocks to be developed with the abutting lands for single detached dwellings; and,

Blocks 3 & 4 - 26 small lot single-detached dwellings.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for draft approval of a plan of subdivision and a Zoning By-law amendment.

BACKGROUND:

Proposal

Zoning Application: The zoning application for a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block 1), from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block 2) and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks 3 and 4) for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road in the Broughton West East Neighbourhood, as shown on the attached map marked as APPENDIX "A" to permit the use of the Block 2 for 76 lots for single detached dwellings and 29 blocks to be developed with the abutting lands for single detached dwellings and Blocks 3 and 4 for 26 small lot single-detached dwellings to be developed in accordance with the proposed plan of subdivision "Miles Estates" (see APPENDIX "B").

Subdivision Application: The effect of the proposed changes in zoning is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Miles Estate" (Regional File No. 25T-95002) on the following basis:

- Block 1 - 1 block for park purposes;
- Block 2 - 76 lots for single detached dwellings and 29 blocks to be developed with the abutting lands for single detached dwellings; and,
- Blocks 3 & 4 - 26 small lot single-detached dwellings.

Applicant:

Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners.

Agent:

A.J. Clarke & Associates Limited.

Surveyor:

B.J. Clarke, C.L.S., O.L.S.

LOT SIZE AND AREA:

The subject lands are rectangular in shape and have:

- a width of 195 m along Rymal Road East;
- a depth of approximately 400 m; and,
- a lot area of approximately 8.0 ha (6.83 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings and Vacant Lands	"C" ((Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the south	Ontario Hydro Corridor	N/A (located within the Township of Glanbrook)
To the west	Vacant lands (draft approved and zoned for single family dwellings)	"C" (Urban Protected Residential, etc.) District
To the east	Single detached dwellings	"B" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan.

The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Park and Recreational" (Block 1) and "Single and Double " Residential (Blocks 2, 3, and 4) in the approved Broughton West Neighbourhood Plan. A minor revision to the Broughton Neighbourhood Plan to revise the road pattern adjacent to the rear of the lands located at 94 – 114 Miles Road. The revision is to the configuration of the proposed east-west street whereby the S-Bend has been straightened out such that the proposed east-west street will now be perpendicular to the north-south street.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department, Community Planning and Development Division advised of the following:
 - "1. Blocks 103 to 131, inclusive, must be developed in conjunction with the lands to the west.
 2. Block 132 appears to provide the lot width of 24 m and area of 1,848 m² of an "A" District. No dimensions are shown on the plan.
 3. Lots 1 to 38, 46 to 73, and 93 to 102, all inclusive, appear to meet the requirements of a "C" District, while lots 39 to 45 and 74 to 92, inclusive, appear to meet "R-4" District requirements, but areas (especially for the court lots) are not shown."
- The Development Engineering Section, Land Development Department have advised of the following:

"We have the following comments and recommendations regarding the revised draft plan of subdivision

Information:

- 1 There is a municipal watermain on Miles Road to service a portion of this development directly.
- 2 There is no sanitary or storm sewer to service any portion of these lands directly.
3. There will be a Municipal share for a portion of services to be installed within this development.
- 4 That Block 133 and 134, the 0.30 metre reserves be divided into individual blocks in order that each block may be incorporated into various road allowances and at different times if required.
- 5 Although not dimensioned on the plan, we require 9m radius transitions adjacent to Lots 24 & 25, 29 & 30, 64 & 65, 72 & 73, 93 & 94, and 101 & 102.
- 6 Although not dimensioned, we require a minimum 2m by 2m daylight triangle from Lot 46.
- 7 Due to the horizontal curve in roadway, we recommend that the access to Lot 38 be located at the westerly side of the lot.
- 8 Street "A" must align centreline to centreline with the midblock collector street in Sermal Estates draft plan of subdivision.
- 9 The number of residential units on one street access on a temporary basis should not exceed our accepted criteria.
- 10 The lot depths and dimensions, street locations on Miles Estates plan of subdivision conform to the draft approved plan of Sermal Estates since the alignment of Upper Sherman Avenue has been established on that plan to cross the Hydro Corridor in accordance with Hydro's requirements.
- 11 Although not dimensioned, the radius of the lot line on Street "F" adjacent to Lot 38 cannot exceed 20m.
- 12 Access to Blocks 122 and 123 must be located outside of the daylight triangles at the intersection of Street "A" and Upper Sherman Avenue.
- 13 Although not dimensioned, the daylight triangle adjacent to Lot 39 is to be a minimum of 5m by 5m.

Recommendations:

1. That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the General Manager of Community Planning and Development Division.
2. That no portion of these lands is allowed to develop until a suitable storm and sanitary sewer outlet is available to service any portion of these lands directly.
3. That the owner prepare an Environmental Assessment Study to establish a master stormwater management plan for the Broughton West and Chappel East neighbourhoods to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division. The Environmental Assessment Study will address water quality and quantity issues in accordance with recognized best management practises (BMPs) and the Redhill Creek Watershed Study;
4. That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:
 - a) plans that show existing and proposed site grades and drainage;
 - b) detailed stormwater management plans implementing the approved recommendations of the master stormwater management plan; and,
 - c) erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices.
5. That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the General Manager of Community Planning and Development Division:
 - i) to carry out or cause to carry out the works referred in condition 3 above, to the satisfaction of the General Manager of Community Planning and Development Division.
 - ii) To maintain all stormwater management and erosion and

sedimentation control structures in good repair and operating order during the construction period, in a manner satisfactory to the General Manager of Community Planning and Development Division.

6. That the owner dedicate sufficient lands to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the General Manager of Community Planning and Development Division.
7. That a limited number of lots be developed until such time as a second watermain feed is available in order to provide looping of the watermain to service this development.
8. That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access, shall not exceed 100 residential units.
9. That the undesignated Street at the north west limit of the draft plan adjacent to Lot 1 and Block 103 be established to its full width of 20.0 metres with the establishment of Street "B" north of Street "C"
10. That 9m radius transitions adjacent to Lots 24 & 25, 29 & 30, 64 & 65, 72 & 73, 93 & 94, and 101 & 102 be established on the final plan of subdivision.
11. That a 2m by 2m daylight triangle is required from Lot 46.
12. That the access to Lot 38 be located at the westerly side of the lot.
13. That Street "A" align centreline to centreline with the midblock collector street in Shermal Estates draft plan of subdivision.
14. That the lot depths and dimensions, street locations on Miles Estates plan of subdivision conform to the draft approved plan of Shermal Estates since the alignment of Upper Sherman Avenue has been established on that plan to cross the Hydro Corridor in accordance with Hydro's requirements.
15. That the radius of the lot line on Street "F" adjacent to Lot 38 not exceed 20m.
16. That access to Blocks 122 and 123 must be located outside of the daylight triangles at the intersection of Street "A" and Upper Sherman

Avenue with access onto Street "A" only.

17. That the owner dedicate a 5m by 5m daylight triangle adjacent to lot 39.
18. That the development of any portion of these lands must include a street loop system for service vehicles, transit facilities, buses, etc..
19. That the owner dedicate a road widening on the final plan sufficient to the Region along Miles Road.
20. That the design of the intersection of Street "G" and Miles Road, including the provision of the necessary daylight triangles on the north and south sides of Street "G", be to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division.
21. That Blocks 103 to 131, inclusive cannot be developed until such time as Upper Sherman Avenue is established and constructed to its full designated Right of Way.
22. That the owner submit a tree preservation plan to the satisfaction of the General Manager of Community Planning and Development Division.

The submitted plan, as prepared by B.J. Clarke O.L.S., of A.J. Clarke and Associates Limited, dated December 17, 1999, is satisfactory to the General Manager, Community Planning and Development Division, subject to the above comments and recommendations."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and the "Park and Recreational" and "Single and Double" Residential designation on the Broughton West Neighbourhood Plan.

A minor revision to the Broughton Neighbourhood Plan to revise the road pattern adjacent to the rear of the lands located at 94 – 114 Miles Road. The revision is to the configuration of the proposed east-west street whereby the S-Bend has been straightened out such that the proposed east-west street will now be perpendicular to the north-south street.

2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan;
 - ii) it is consistent with planned development in accordance with the Broughton

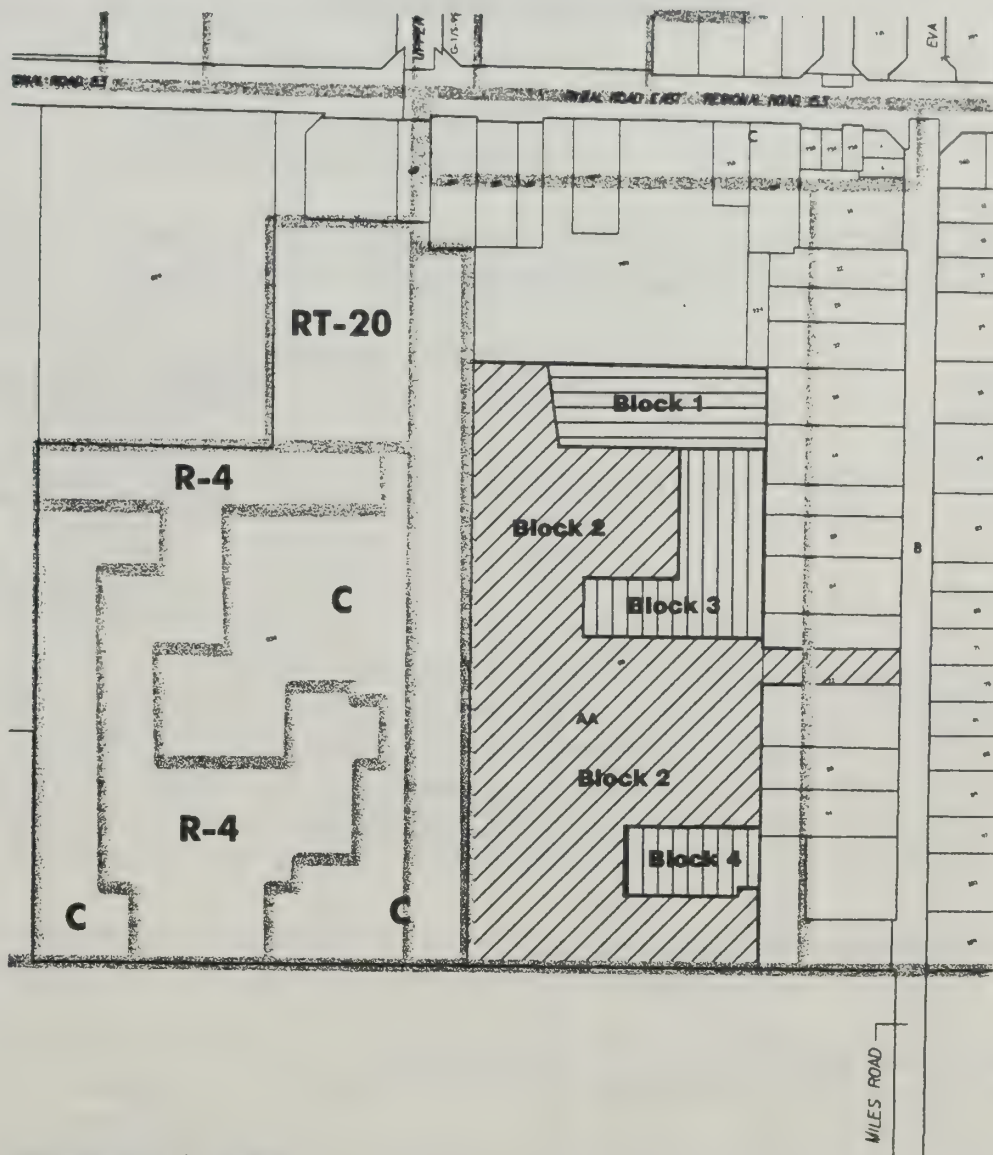
West Neighbourhood Plan; and,

- iii) it would be compatible with the abutting and future planned residential uses.
3. The rezoning and subdivision applications have been amended by the applicant to revise the lotting pattern and unit mix. Specifically, whereas the original application was for 52 "C" lots (36% of total) and 94 "R-4" lots (64% of total), the amended application provides for a better mixture of lot types whereby the number of "C" lots has been increased to approximately 75% of the total number of lots. This revision is consistent with the draft approved plan of subdivision "Shermal Estates" to the west of the subject lands.
 4. The approved Broughton West Neighbourhood Plan designates a 0.85 ha. (2.12 acre) site for park and recreational uses in the northerly portion of the Broughton Neighbourhood. Approximately 50% of the planned neighbourhood park is located within the "Miles Estates" subdivision. In this regard, the proposed draft plan of subdivision identified Block 132 as proposed park. As such, as a condition of approval the applicant will be required to dedicate these lands for parkland purposes.

The total area of the "Miles Estates" subdivision is 7.99 ha (79,900 m²). In accordance with the approved Broughton West Neighbourhood Plan, Block 132 is to be dedicated to the City of Hamilton for park purposes. The size of Block 132 is 6,030 m², or 7.5% of the total area of the subdivision. As the lands to be dedicated exceeds the 5% parkland dedication requirements of the Planning Act and the City of Hamilton Official Plan, the City will be required to compensate the applicant for the amount of parkland dedicated that exceeds the 5% requirement. Based on preliminary calculations, the City will be required to acquire an additional 2,035 m² (0.5 ac) of land for park purposes or provide the applicant with a credit for development of lands in abutting neighbourhoods.
 5. The applicant is proposing to rezone the subject lands to "A" District, "C" District and "R-4" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

CONCLUSION:

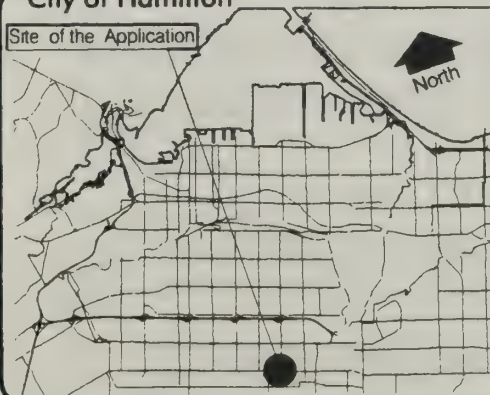
Based on the foregoing, the applications can be supported.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



Community Planning and Development Division

Location Map

Legend

- Block 1**
from "AA" (Agricultural) District to "A"
(Conservation, Open Space, Park and
Recreation) District
- Block 2**
from "AA" (Agricultural) District to "C"
(Urban Protected Residential, etc.) District
- Blocks 3 and 4**
from "AA" (Agricultural) District to "R-4"
(Small Lot Single Family Dwelling) District

Reference File No
ZA-95-07

Scale
NOT TO SCALE

Date
July 07, 2000

Drawn By
j.s

APPENDIX 'A'

2.2

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: July 24, 2000
ZAC-00-15
Strathcona Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at 30 – 40 Margaret Street (PDC00133)

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-00-15, Valvasori Properties (in trust), owner**, for changes in zoning from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District (Block 1) and from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District for lands known as 30 – 40 Margaret Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" be rezoned from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District;
- (b) That Block "2" be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District;
- (c) That Subsections 3(b), 3(c), 3(d) and 3(e) of Zoning By-law No. 98-116 be deleted in there entirety;
- (d) That the "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 and 2, be modified to include the following variances, as special requirements:
 - (i) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - 1) a multiple dwelling containing a maximum of 14 Class A dwelling units within the building at the time of the passing of the by-law;

- (ii) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, a minimum landscaped area unused for access or manoeuvring space or parking space or for any other purpose other than landscaping area including a playground of 125 m² shall be provided and maintained in the southerly side yard;
- (iii) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;
- (iv) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of every parking and manoeuvring area shall provide and maintain the following setbacks:
 - 1) not less than 0.5 metres from the easterly limits of Block 1;
 - 2) not less than 0.2 metres from the northerly limits of Block 1;
 - 3) 0.0 metres from the westerly limits of Blocks 1 and 2; and,
 - 4) 0.3 metres from the southerly limits of Block 2
- (v) That notwithstanding Section 2.(2)J.(xb) of Zoning By-law No. 6593, a walkway having a maximum width of 1.2 m and a gazebo shall be permitted within the required landscaped area;
- (vi) That notwithstanding Section 18.(4)(iv) of Zoning By-law No. 6593, a gazebo shall be permitted within the southerly side yard;
- (e) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1402a, and that the subject lands on Zoning District Maps W-12 be notated as S-1402a;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is for changes in zoning for lands located at the rear of 30 - 32 Margaret Street and 36 – 40 Margaret Street, as shown on the attached map, on the following basis:

- Block "1" - Change in zoning from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District; and,

Block "2" - Change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District.

The proposed by-law removes the 'H' (Holding) symbol from Block 1, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) symbol was placed on the lands until such time as the following condition was satisfied:

- a) The owner submit a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE.

The effect of the proposed changes in zoning is to permit the adaptive re-use of the existing building, known municipally as 36 Margaret Street, for a total of 14 apartment units. In addition, the By-law provides for the following special requirements to permit the redevelopment of the existing building for condominium apartments:

- 1) Permits a maximum of 14 apartment units provided that they are located in the existing building, whereas the existing site specific zoning provisions permit a maximum of 11 apartment units;
- 3) Requires that a minimum of 14 parking spaces shall be provided and maintained whereas the existing site specific zoning provisions require a minimum of 11 parking spaces;
- 4) Require that the boundary of every parking area and the manoeuvring area provide and maintain the following setbacks:
 - a) not less than 0.2 metres from the northerly limits of Block 1 whereas the provisions of the site specific zoning by-law requires 0.5 m; and,
 - b) not less than 0.3 metres from the southerly limits of Block 2 whereas the provisions of the Zoning By-law requires 1.5 m;

It is noted that the proposed by-law retains the existing site specific regulations applicable to the easterly setback (not less than 0.5 metres from the easterly limits of Block 1) and westerly setback (not less than 0.0 metres from the westerly limits of Blocks 1 and 2), where it abuts the existing Public Unassumed Alley.

- 5) Requires that a landscaped area having a minimum area of 125 m² be provided and maintained. In addition, the By-law permits a pedestrian walkway and a gazebo to be located within the landscaped area.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for lands located at the rear of 30-32 Margaret Street and 36 – 40 Margaret Street, as shown on the attached map, for changes in zoning on the following basis:

- | | | |
|-----------|---|--|
| Block "1" | - | Change in zoning from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District; and, |
| Block "2" | - | Change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District. |

The effect of the proposed changes in zoning is to permit the adaptive re-use of the existing building, known municipally as 36 Margaret Street, for a total of 14 apartment units (see APPENDIX "B").

Zoning Application 98-07

City Council, at its meeting of March 31, 1998, approved Zoning Application 98-07 for lands located at 30 – 36 Margaret Street. Zoning By-law No. 98-116 was subsequently passed by City Council on April 14, 1998.

The purpose of Zoning By-law No. 98-116 was to provide for changes in zoning for property located at 30 - 36 Margaret Street, as shown on the attached map marked as

APPENDIX "C" on the following basis:

- Block 1 - from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District;
- Block 2 - for a modification in zoning to the established "D" (Urban Protected Residential - One and Two Family, etc.) District.

The effect of the By-law was to permit the conversion of the existing building at 36 Margaret Street into 11 condominium apartment units (Block 1), and to recognize the existing semi-detached dwellings at 30 and 32 Margaret Street (Block 2) (see APPENDICES "C" and "D").

The 1998 proposal was to create 11 condominium apartment units ranging in size between 110 m² – 200 m² (1,200 sq.ft. – 2,200 sq.ft.). Parking for the 11 units was to be provided on the lands located at the rear of the existing semi-detached dwellings located at 30 and 32 Margaret Street. Due to site constraints, the 1998 proposal did not provide for an outdoor amenity area for the condominium apartment units.

APPLICANT:

Valvasori Properties (in trust), owner.

AGENT:

Planning and Engineering Initiatives Ltd.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 22.2 m of lot frontage along Margaret Street;
- a depth of 40.4 m; and
- a lot area of 1,460 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Block 1 -Vacant former industrial building	"DE" – 'H' (Low Density Multiple Apartments – Holding) District;

Block 2 – Single Detached Dwelling

"D" (Urban Protected Residential - One and Two Family, etc) District

Surrounding Land Use

to the north	Single detached and semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family, etc) District
to the south	Single detached, semi-detached and row house dwellings	"D" (Urban Protected Residential – One and Two Family, etc) District
to the east	Street townhouse dwellings	"D" (Urban Protected Residential – One and Two Family, etc) District
to the west	Single detached and semi-detached dwellings	"D" (Urban Protected Residential – One and Two Family, etc) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed changes in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" (Block 1) and "Single and Double Residential" (Block 2) in the approved Strathcona Neighbourhood Plan. The proposal is an adaptive reuse of the existing low density industrial building and provides for an opportunity to convert the site to residential uses which are more suitable in this area. However, approval of the application will require an amendment to the approved Strathcona Neighbourhood Plan to redesignate Block 2 from "Single and Double Residential" to "Low Density Apartments".

COMMENTS RECEIVED:

- The Traffic Division have advised that they have no objection to the proposed modification in zoning.
- The Development Planning Section, Land Development Department have advised of the following:

"A required Record of Site Condition concerning the subject lands has been submitted to the satisfaction of the region and acknowledgement by the Ministry of Environment."

- The Development Engineering Section, Land Development Department have verbally advised that they have no objection to the proposed modification in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan;
 - ii) the proposal is an adaptive reuse of the existing low density industrial building and provides for an opportunity to convert the site to residential uses which are more suitable in this area; and,
 - iii) it would be compatible with the abutting residential uses.
3. The 1998 proposal was to create 11 condominium apartment units ranging in size between 110 m² – 200 m² (1,200 sq.ft. – 2,200 sq.ft.). Parking for the 11 units was to be provided on the lands located at the rear of the existing semi-detached dwellings located at 30 and 32 Margaret Street. Due to site constraints, it was only possible to provide 11 parking spaces and the Traffic Division advised that a minimum of 1 parking space per unit was required. As such, it was only possible to redevelop the subject lands for 11 condominium apartment units. Furthermore, the 1998 proposal did not provide for an outdoor amenity area for the condominium apartment units.

Under the present development proposal, land assembly has occurred whereby the applicant has assembled 30, 32, 36 and 40 Margaret Street. The existing semi-detached dwellings at 30 and 32 Margaret Street are to be retained and the rear portion of these lands is proposed to be used for parking as per the 1998 proposal. It is noted that in accordance with the 1998 development approvals, the rear yard for the existing semi-detached dwellings will be 7.5 m deep.

In order to provide an outdoor amenity area for the proposed condominium apartment units and to provide a distance separation for Building Code/Fire Code requirements, land assembly has occurred whereby the lands subject to the 1998 proposal (Block 1, being the rear 30 and 32 Margaret Street and the existing building at 36 Margaret Street) have been assembled with the abutting lands to the north (Block 2, known as 40 Margaret Street). The existing dwelling at 40

Margaret Street is proposed to be demolished and these lands are to be used as an outdoor amenity area for the condominium apartment building units and for 3 parking spaces. The outdoor amenity area will also provide the necessary distance separation to comply with Building Code and Fire Code requirements.

Prior to making the rezoning application, the applicant initially proposed 2 new parking spaces fronting onto Margaret Street. However, in keeping with the general intent of the Zoning By-law with respect to front yard parking, and to provide buffer the parking area from the abutting residential dwelling, the applicant agreed to provide 1 parking space on Margaret Street and a landscaped planting area.

The revised development concept provides for a total of 14 parking spaces and the applicant is proposing to increase the number of dwelling units from 11 to 14 based on the parking ratio of 1 parking space per dwelling unit. The increased number of dwelling units is to be achieved by developing smaller units. Whereas in 1998 it was proposed to have units as large as 200 m² (2,200 sq.ft.) because of parking constraints, the applicant is not proposing units of approximately 92.5 m² (1000 sq.ft.) size.

4. Variances are required to permit the conversion of the existing building at 36 Margaret Street into 14 condominium apartment units:
 - i) a reduction in the required parking from 18 spaces to 14 spaces;
 - ii) a reduction in the required landscape strip adjacent to the parking area from 0.5 m to 0.2 m;
 - iii) reduction in the required landscaped area from 25% of the lot area.

Due to the site limitations of the existing buildings, the Traffic Division have advised that they have no objection to the aforementioned variances. In order that the 6.0 m aisle width can be provided, then variances to the Zoning By-law are required to permit the parking area to be setback 0.20 metres from the lot lines.

There is a public unassumed alley located to the east of the subject. As such the reduced setback will not have an adverse affect on the abutting single detached and semi-detached dwellings. In addition, the applicant will be required to provide a visual barrier along the limits of the parking area to provide for a buffer for the adjacent residential uses.

In addition, it is not possible to provide the required 25% landscaped area. Given that the proposal is for the adaptive reuse of an existing building, the only options to provide the required open space area would be to further reduce the on-site parking provided. Under the existing site specific zoning provisions, landscaping is not required for Block 1. However, the applicant has acquired the abutting lands

to the south which is proposed to be used for additional on-site parking and to provide an open space area. The preliminary concept plan shows a walkway and gazebo within the landscaped area. In this regard, the implementing by-law should require a minimum landscaped area of 125 m²

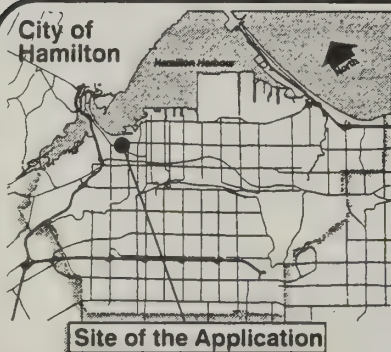
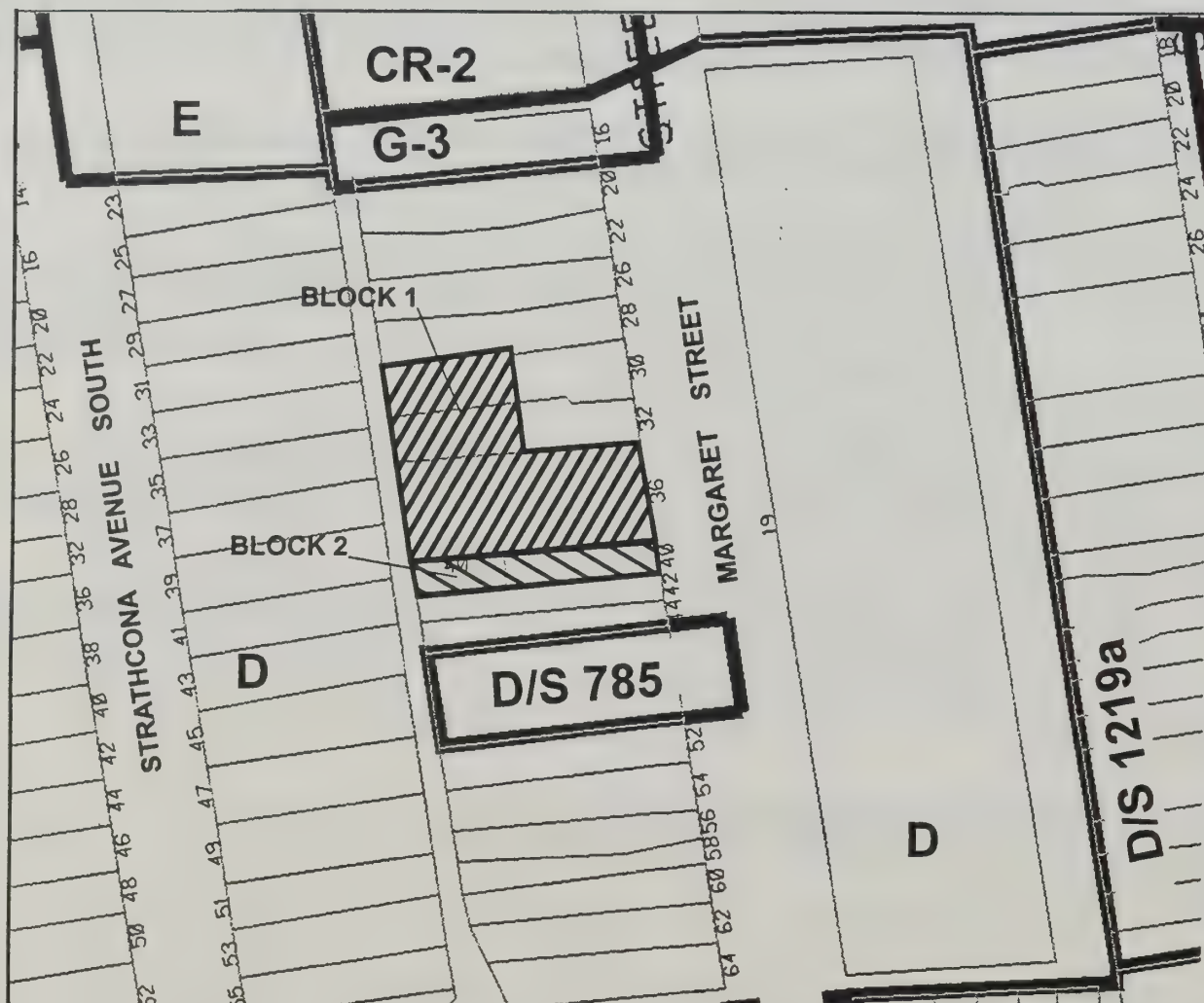
5. Under the provisions of Zoning By-law 98-116, Block 1 was placed in a holding zone until such time as the following condition was satisfied:
 - a) The owner submit a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE.

In 1998, the applicant submitted a RSC applicable to the subject lands. The Ministry of Environment acknowledged receipt of the RSC in April, 1998. As such, the holding provision can now be removed.

6. The "DE" (Low Density Multiple Dwellings) District are subject to Site Plan Control. In this regard, matters such as grading, fencing and landscaping will be reviewed at the site plan review stage.

CONCLUSION:

Based on the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Sites of Application

(30,32,36,40 Margaret Street.)



Block 1: Change in zoning from "DE"-H
(Low Density Multiple Dwellings-Holding) District to
"DE" (Low Density Multiple Dwellings - Holding) District, modified



Block 2: Change in zoning from "D" (Urban Protected Residential -
One and Two Family, Dwellings, etc.) District to
"DE" (Low Density Multiple Dwellings etc.) District

Reference file:

ZAC-00-15

Scale

Not to Scale

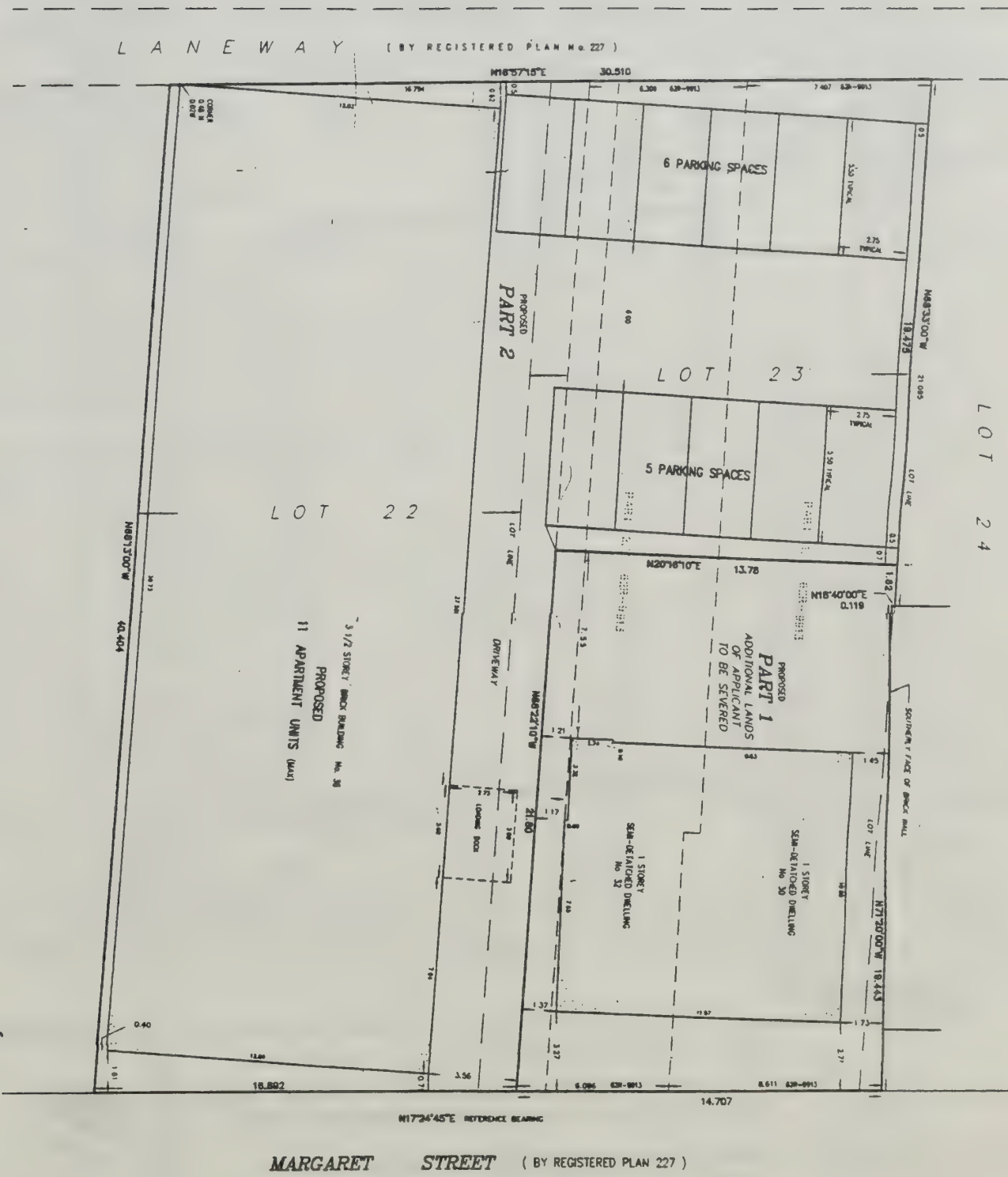
Date

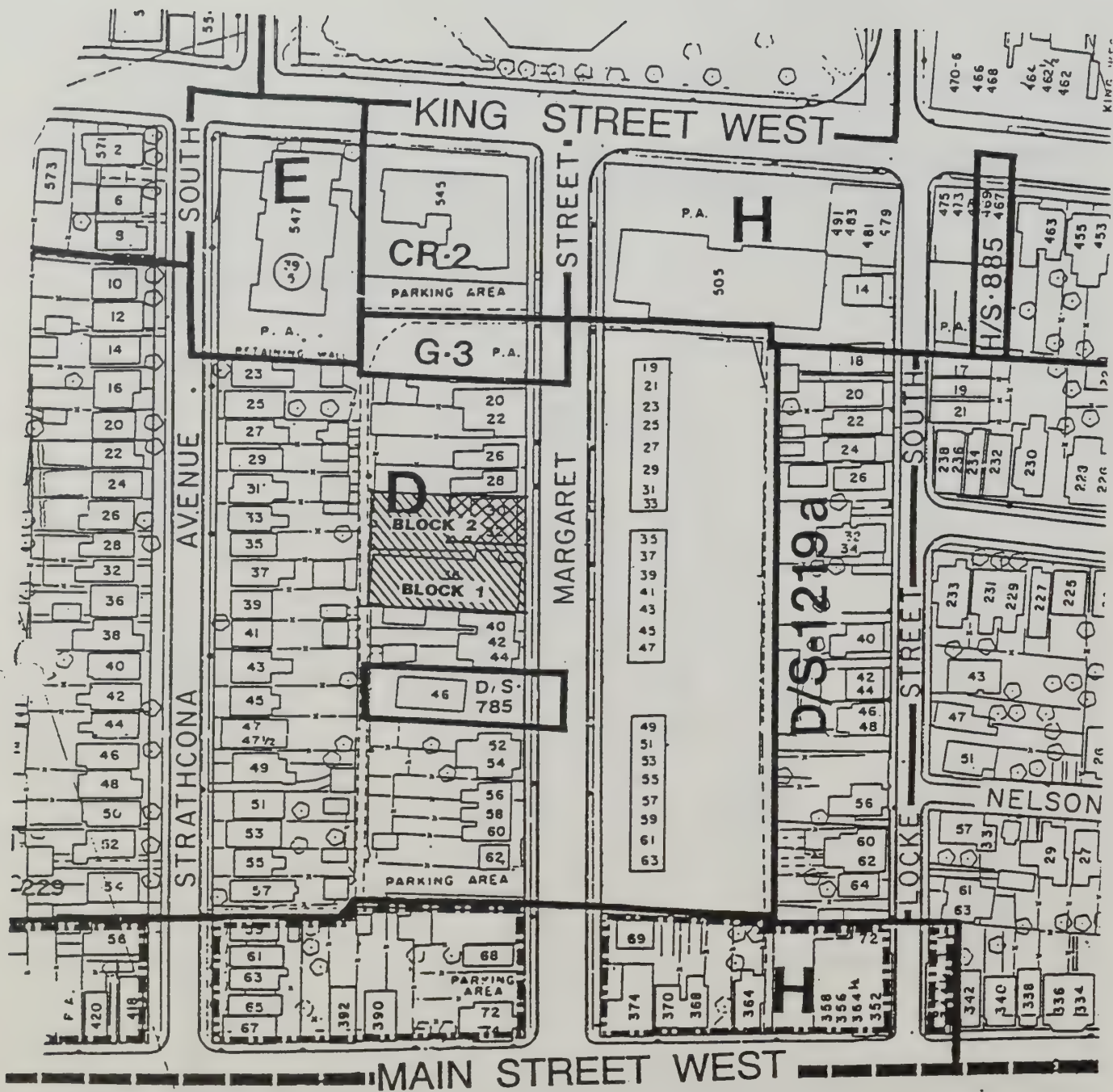
April, 2000

Technician:

JS

APPENDIX 'A'





Legend

Proposed change in zoning from:

BLOCK 1

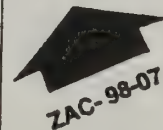


"D" (Urban Protected Residential- One and Two Family, etc.)
District to "DE" (Low Density Multiple Dwellings) District

BLOCK 2



Modification to the established "D" (Urban Protected
Residential - One and Two Family, etc) District



NOTE
FINAL BOUNDARY TO BE FINALIZED BY
ONTARIO LAND SURVEYOR.

LEGEND

EXTENSION DOOR LOCATIONS

30 MARGARET STREET TO BE MERGED WITH
TITLE OF 30 MARGARET STREET

PLANNING &
ENGINEERING
INITIATIVES LTD.

360 Avenue Street North, Suite 200
Hamilton, Ontario L8L 1H9
Tel: (905) 304-1010 Fax: (905) 304-1011
e-mail: info@hampco.net

Designed By	Scuderia M.T.S.
Drawn By	Date: APRIL 2000
Checked By	Drawing Number: 1091

No 1

38 MARGARET STREET
EX. 3 1/2 STOREY BRICK BUILDING
PROPOSED 14 UNIT CONDOMINIUM

Proposed Redevelopment Concept

CITY OF HAMILTON

2.3

- RECOMMENDATION -

DATE: 2000 July 21
ZAC-00-08
Fessenden Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at 526 Upper Paradise Road (PDC00134)

RECOMMENDATION:

- (a) That approval be given to **Zoning Application 00-08, Lynwood Hall Child and Family Centre, owner**, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "1" and "3") and from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "4"), to permit a childrens' residence, a related childrens' mental health centre, a 128 bed nursing home and a residential care facility for 172 seniors, for property located at 526 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That Blocks "1" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
 - (ii) That Blocks "2" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District;
 - (iii) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3" and "4", be modified to include the following variances as special provisions:
 - (1) That notwithstanding Section 10A. (1) of By-law No. 6593, the following uses shall be permitted:
 - (A) A childrens' residence and services for a childrens' mental health centre on Blocks "1" and "2";
 - (B) A nursing home for not more than one hundred twenty-eight (128) residents on Blocks "3" and "4"; and

- (C) A senior citizens "residential care facility" for not more than one hundred seventy-two (172) residents on Blocks "3" and "4";
- (2) That for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older;
- (3) That notwithstanding Section 2.(2)A.(xiiaa), a residential care facility and a nursing home may be combined in the same building;
- (4) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "4" except for the areas used for access driveways;
- (5) That a minimum 1.8 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "2" except for the areas used for access driveways;
- (6) That minimum 1.2 m high and maximum 2.0 m high visual barriers shall be provided and maintained along the entire southerly lot lines of Blocks "3" and "4" and along the entire westerly lot lines of Blocks "1" and "3"; and
- (7) Section 18A(14g) of Zoning By-law No. 6593 shall not apply to Block "2";
- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and the subject lands on Zoning District Map W-37a be notated S - ;
- (v) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37a, for presentation to City Council;
- (vi) That these proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the implementing By-law not be presented to City Council for adoption until such time as the applicant and/or land owner has obtained a private/public servicing easement over the adjacent lands, to the satisfaction of the Director, Land Development
- (c) That the Site Plan Control Application be approved on the basis of the following noise abatement measures: all construction is brick veneer; double glazing with air conditioned interior spaces; and, exterior amenity areas shall be in the courtyards or shall comply with the Ministry of Environment requirements.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "1" and "3") and from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District, modified (Block "2" and "4"), for lands located at 526 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A".

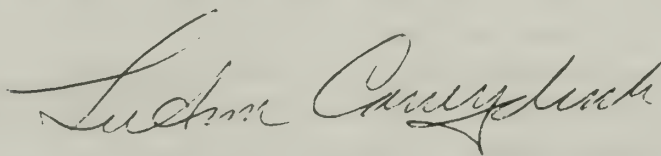
The effect of the By-law is to permit the development of the subject lands as follows:

Blocks "1" and "2" - Childrens residence and services for a children's mental health centre; and,

Block "3" and "4"- Nursing home for not more than one hundred twenty-eight (128) residents and Seniors Residential Care Facility for not more than one hundred seventy-two (172) residents on Blocks "3" and "4";

In addition, the By-law provides for the following variances as special requirements:

- Defines a senior citizens "residential care facility" as a residential care facility within which all residents are at least 60 years of age or older;
- Allows a Residential Care Facility and Nursing Home to be located within the same building, whereas the Zoning By-law restricts a Residential Care Facility to a fully detached residential building.
- Requires a 6.0 m minimum landscape area to be provided and maintained along the entire easterly lot line of Block "4", except for the areas used for access driveways;
- Requires a 1.8 m minimum landscape area to be provided and maintained along the entire easterly lot line of Block "2", except for the areas used for access driveways;
- Requires a 1.2 to 2.0 m high visual barrier along the entire southerly lot lines of Blocks "3" and "4" and along the entire westerly lot lines of Blocks "1" and "3"; whereas the Zoning By-law only requires a visual barrier adjacent to the parking areas; and,
- Permits parking in the required front yard of Block "2".


FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Lynwood Hall Child and Family Centre has had a presence in the community since 1863, and more recently since 1959 on the Upper Paradise site. This organization provides important services to youth and families within the community and has adapted to changing needs in the provision of care for youth. This proposal allows Lynwood to more effectively continue to be an important provider of specialized social services in the Region.
- Proposal

The applicant is requesting a rezoning for the land located at 526 Upper Paradise Road (see Appendix "A"). The purpose of the application is to permit the existing children's residence and related children's mental health centre to be rebuilt on Blocks "1" and "2", and a new nursing home for not more than one hundred twenty-eight (128) residents and a senior citizens residential care facility for not more than one hundred seventy-two (172) residents on Blocks "3" and "4".

The preliminary site plan submitted with the application indicates that the existing building is proposed to be demolished and a new facility is proposed on the northerly portion of the site having a frontage of approximately 51.0 metres on Upper Paradise Road (Blocks "1" and "2"). The remainder of the site having a frontage of approximately 152.0 metres on Upper Paradise Road (Blocks "3" and "4"), will be occupied by a cluster type building consisting of the three (3) pods, two (2) and three (3) storeys in height, that will house a combined nursing home for one hundred twenty-eight (128) residents and a senior citizens residential care facility for one hundred seventy-two (172) residents. The preliminary plan also indicates that an extensive landscape treatment will be provided for the entire site including internal court yards associated with the residential uses.

APPLICANT:

Lynwood Hall and Family Centre, owner.

LOT SIZE AND AREA:

The subject lands have:

- Blocks "1" and "2" - a frontage of approximately 51.0 m (161 ft.) on Upper Paradise Road;
 - a lot depth of approximately 177.63 m (552.77 ft.);
 - a lot area of 9027 m² (2.2 acres);and,
- Block "3" and "4" - a frontage of approximately 152. 0 m (498.7 feet) on Upper Paradise Road;
 - a lot depth of approximately 177.63 m (552.77 ft.) ;
 - a lot area of approximately 26,904 m² (6.2 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Lynwood Hall Childrens Center	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	School and Church	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
To the south and east	Single-Family Residential	"C" (Urban Protected Residential, etc.) District
To the west	Townhouses and Semi-detached Dwellings	"RT-20" (Townhouse-Maisonette) District- Modified and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The lands are designated **Major Institutional** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan.

A.2.1.9. Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- i) Reduced road lengths;
- ii) Building orientation;
- iii) Retention of existing trees and other vegetation;

- iv) Clustering of units; and,
- v) Such other matters as Council deems necessary; and which are in keeping with the provisions of Subsection C.8., Energy.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services."

The following policies of Subsection C.7. - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- iii) Improvement and maintenance of street landscaping; and,
- (vii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-law;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Civic and Institutional" on the approved Fessenden Neighbourhood Plan. If approved, a neighbourhood plan amendment is not required.

RESULTS OF CIRCULARIZATION:

The following Departments and Agencies have no comment or objections:

- Department of Public Works and Traffic Department ; and,
- Union Gas.
- The Hamilton Region Conservation Authority advises:

"Staff of the Hamilton Region Conservation Authority has reviewed the above-noted application to rezone lands to Low Density Multiple Dwellings (DE). The 3.6 ha. Property has a childrens' residence. The intent is to redevelop the property in phases with a variety of multiple residential dwellings. The property will go from mostly open space to mostly hard surfaces (buildings, parking, roads).

This property is within the Chedoke Creek watershed, which drains into Cootes Paradise. As a subwatershed of Cootes Paradise, it is part of the Spencer Creek Watershed Management Plan (1997). The Management Plan was endorsed by the municipality. Urban run-off was identified as a stress on the natural system in this sub-watershed.

There will be a significant change in the amount of impervious surfaces with this proposal, altering the quality and quantity of storm water run-off from the site. To implement the recommendations of the Spencer Creek Watershed Management Plan, water quality and quantity control should be incorporated into the development. Storm water quantity and quality should be addressed at the time of site plan control. Consideration should be given to incorporating grassed swale systems or enhanced manholes (e.g. 'Stormceptor') in the design.

We have no objection to the proposed zoning by-law amendment."

- The Building Department has advised that:

"1. Uses

The "DE" zone does not permit a Children's Residence use.

The "DE" District permits uses as specified in the "D" District; those uses include [Section 10.(1)(viii)] a nursing home for 6 residents on a lot.

The "D" District permits uses as specified in the "C" District, and those uses include [Section 9.(1)(iiB)] a residential care facility for six (6) if there are no other such uses within 180m, which there are not currently.

Note that, as defined, a residential care use cannot be combined with any other in the same building [Section 2.(2)A.(xiiaa)] and the definition does not limit the use to seniors.

2. Parking

Per my previous comments, 79 spaces are likely sufficient for Lynwood Hall, but building plans must be made available for a final determination. A children's residence requires 1 loading space for each 6 residents.

Residential Care Facilities require 1 parking space per 3 residents and Nursing Homes 1 space per 3 beds. Thus at 172 residents and 128 beds, the requirement is for 100 parking spaces, and this is met. Loading spaces are not required.

Landscaping must be at least 25% of the lot area."

- The Development Engineering Section has advised that:

"With respect to your letter dated June 5, 2000 we have reviewed the stormwater management report and we have forwarded our comments to Stantec Consulting Ltd. with a copy to yourself.

Since the report is incomplete and the fact that the owner is required to obtain a servicing easement, we recommend that a "Holding Provision" be placed on the proposed zoning application until these items have been finalized"

- The Land Development Department, Community Planning and Development Division (Region) has reviewed the application and advised the following:

"REGIONAL OFFICIAL PLAN

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

Since the subject lands has potential of site contamination (i.e. buried fuel tanks), and a sensitive land use is proposed, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation" of the HWOP.

Also, Policy D-6.1 of the HWOP is applicable, and states in part, the following:

Regional approval for subdivisions, conveyances of land or other forms of development will be given only if the proposal is in conformity with the relevant Area Municipal Official Plan, secondary plans and policies of this Plan.

Therefore, provided the proposal conforms to a secondary plan for this area, and the site is not contaminated, the proposed rezoning would not conflict with the intent of the HWOP.

PROVINCIAL POLICY STATEMENT

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The subject lands has potential for site contamination and are adjacent to Upper Paradise Road, which is an arterial road and a source of potential traffic noise impacts on the proposed residential development. Therefore, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns;
 - 1.1 Developing Strong Communities;
 - 1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:
 - f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided.
 - 1.1.3 Long term economic prosperity will be supported by:
 - g) Planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.
3. Public Health and Safety;
 - 3.2 Human-made Hazards;
 - 3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Also, comments should be obtained from the appropriate Provincial and/or municipal agency with respect to the approval of the required licensing to establish the proposed residential care facility.

Therefore, the following should be completed prior to the approval of the proposed development:

- 1) Completion by a qualified consultant of a noise assessment study investigating noise levels originating from Upper Paradise Road, impacting the proposed residential development, and recommending noise control measures (if applicable), with said study and noise control measures being to the satisfaction of the City of Hamilton and the Region.
- 2) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE."

- The Medical Officer of Health advises:

"These proposals include a number of very positive features. For example: the residents of this proposed development would have convenient access to public transportation and shopping. There are also a number of churches and community centres in the area. These features suggest that living in this "community" would support, and in some cases, enhance the resident's independence. Additionally, the development would include a mixture of retirement units and extended care units thus providing the residents an opportunity to "age in place".

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved Fessenden Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Neighbourhood Plan;
 - ii) the proposal will maintain the existing pattern of institutional land uses (i.e. school and church to the north) in the area;
 - ii) the proposal is compatible with the existing and proposed residential and institutional development in the area;
 - iii) the subject lands are located at the periphery of the neighbourhood in close proximity to public facilities and services (e.g. churches, schools, commercial shopping and services, public transit, etc.); and,
 - iv) the requested zoning is appropriate for the subject development.
2. Based upon the preliminary site plan submitted (see Appendix "B"), the following variances as special provisions should be applied:

Restriction to A Fully Detached Residential Building

The Zoning By-law Section 2.(2)A.(xiiaa) restricts a Residential Care Facility to a fully detached residential building. Section 2.(2)A.(xiiaa) is intended to ensure small scale residential care facilities (e.g. 6 to 20 residents) maintain a residential setting and character. However, the proposal is to allow a larger retirement home development, incorporating two levels of care for seniors, a residential care facility and a nursing home. Accordingly, the variance does not undermine the intent of the By-law and can be supported.

Visual Barriers

The subject lands abut residential land uses along the southerly and westerly lot lines. The Zoning By-law would only require visual barriers adjacent to the parking areas. Accordingly, in order to buffer adjacent residential land uses, 1.2 to 2.0 m high visual barriers should be provided and maintained along the entire southerly lot lines of Blocks "3" and "4" and along the entire westerly lot lines of Blocks "1" and "3".

Landscape Area

In order to enhance and maintain the existing streetscape, it is recommended that:

- a 6.0 m minimum landscape area, except for the area used for access driveways, be provided along the easterly lot line of Block "4" adjacent to Upper Paradise Road; and,
- a 1.8 m minimum landscape area, except for the area used for access driveways be provided along the easterly lot line of Block "2" adjacent to Upper Paradise Road.

The above-mentioned variances and special requirements, as proposed by the applicant, are consistent with existing development criteria and serve to implement the intent preliminary site plan submitted with the rezoning request.

Parking

Section 18A(14g) prohibits a required parking area in a residential district to be located in the required front yard. The applicant is requesting that parking be permitted in the required front yard on the basis that: the importance of having the play area on the west side of Lynwood Hall 2000 be as large as possible; the parking lot elevations shall be a minimum of 1.2 m lower than the centre line of the road; and, the generous width of the boulevard at that point in the road. Based on the preliminary site plan (APPENDIX "B"), only 8 of the proposed 66 parking spaces will be located in the front yard. Based on the foregoing, the variance can be supported.

4. The applicant submitted a Phase 1 Environmental Site Assessment. Upon review however, it is noted that findings were inconclusive regarding the presence of buried tanks on the site. The Assessment notes that the results of the search will be sent

under a separate cover. The applicant subsequently submitted a letter from the Ministry of Environment advising that there is no record of buried tanks or spills on the site. On this basis, The Region's comment regarding the need for a Record of Site Condition is not longer applicable.

5. The Development Engineering Section advises that the stormwater management report submitted by the applicant is incomplete and the owner is required to obtain a servicing easement. On this basis, it is appropriate to hold the by-law in abeyance until the applicant and/or owner has obtained a private/public servicing easement over the adjacent lands to the satisfaction of the Director, Land Development Department.
6. Comments regarding the Provincial Policy Statement recommend that a noise assessment study be undertaken by a qualified consultant. The purpose of this study would be to investigate noise levels originating from Upper Paradise Road and recommend noise control measurements (if necessary). In response, the applicant advises that the following noise control measures will be undertaken:
 - all construction will be brick veneer;
 - double glazing with air conditioned interior spaces; and,
 - exterior amenity areas shall be in the courtyards or shall comply with the MOE requirements.

To ensure that these measures are incorporated into the development, the subsequent Site Plan Control application should only be approved on the basis that these measures will be undertaken.

7. The "DE" (Low Density Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to the access, parking, loading, landscaping, grading, fencing, lighting, etc. will be further reviewed at the site plan approval stage of development.

In addition, the Hamilton Region Conservation Authority have indicated that the lands fall within the boundaries of the Spencer Creek Watershed Management Plan. The Authority has identified potential concerns with the quality and quantity of stormwater run-off and indicated that water quality and quantity controls should be incorporated into the development. As noted above, the applicant has prepared a stormwater management report, which has been reviewed by the Engineering Section of the Land Development Department and deemed incomplete. A complete stormwater management report should be re-submitted and reviewed by the Hamilton Region Conservation Authority during the Site Plan stage to ensure stormwater management concerns are addressed.

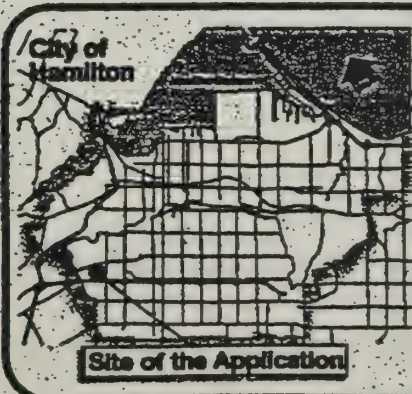
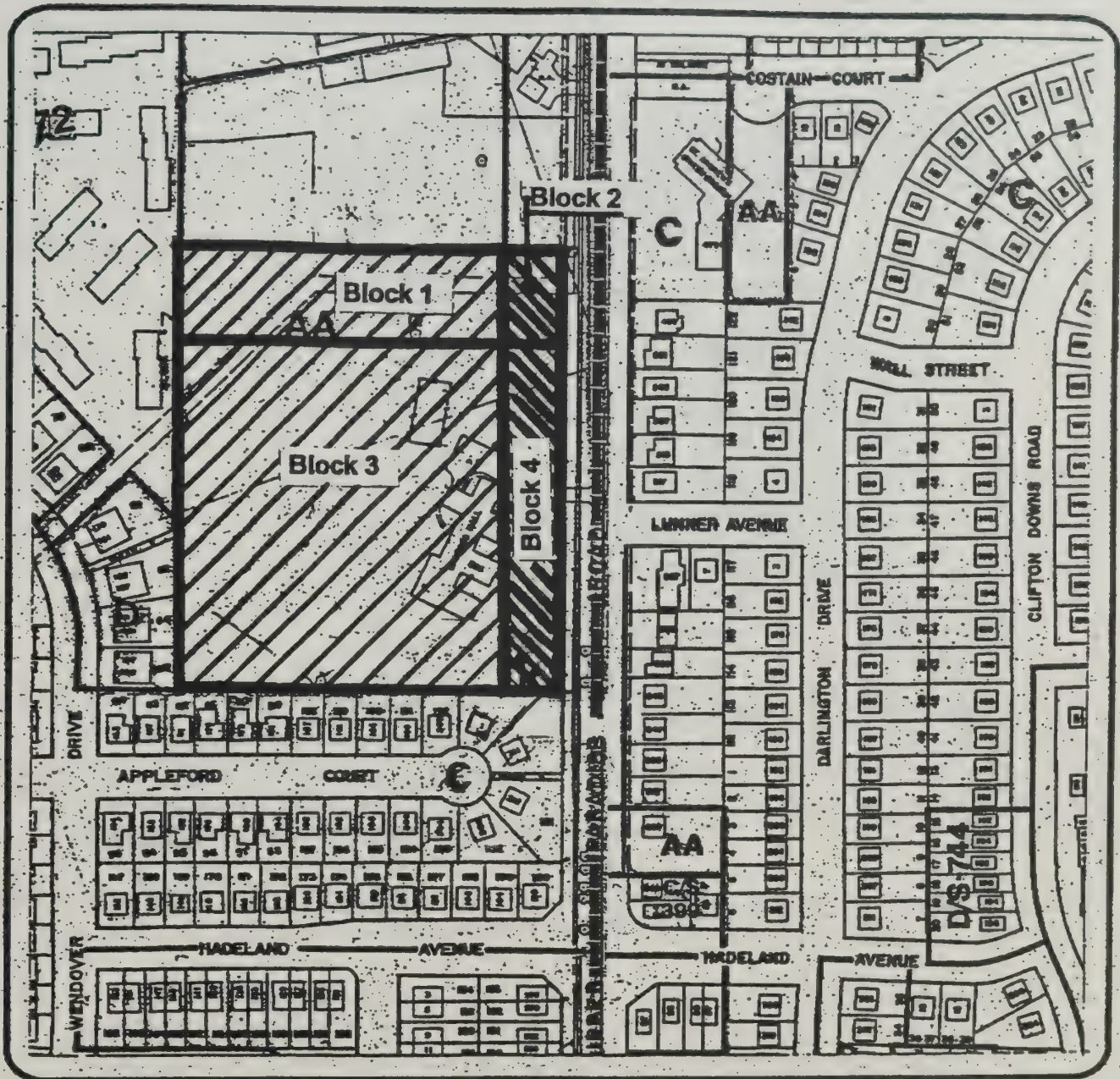
CONCLUSION:

Based on the foregoing, the application can be supported.

JL/CLF/jl/cf

ZAC-00-08

Attachs.(2)



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Blocks 1,3



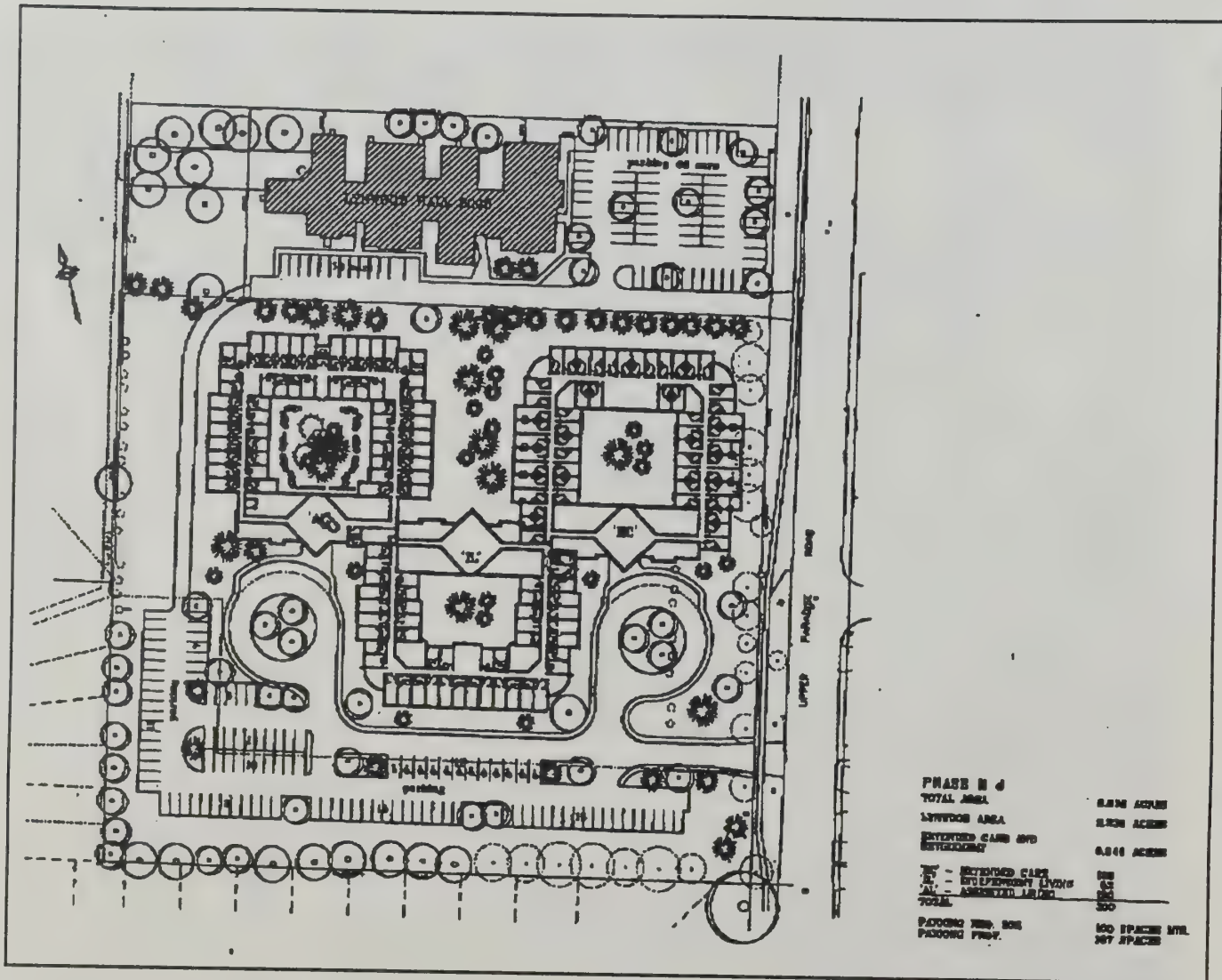
"AR" (Agriculture) District to
"DE" (Low Density Multiple Dwellings)
District, Modified

Blocks 2,4



"C" (Urban Protected Residential, etc.)
District to "DE" (Low Density Multiple
Dwellings) District, Modified

Reference file:
ZAC-00-08Scale
Not to ScaleDate
Mar. 2000Technician:
PB



2.4.1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: July 20, 2000
(HCD-HB)

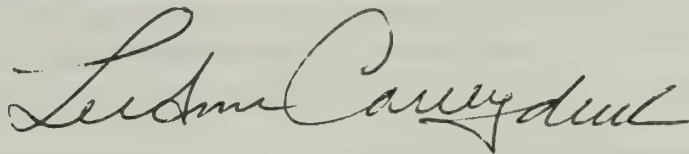
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Heritage Conservation District (869-1019 & 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; including 2 Fourth Avenue) – Designation (PDC00125)

RECOMMENDATIONS:

- (a) That the City Council adopt the *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change*, prepared by Archaeological Services Inc., Wendy Shearer Landscape Architect Limited, and Sinisa Tomich Urban Designer, July, 2000, with the recommendations related to front yard setbacks on the bay side of the Beach as modified;
- (b) That City Council give approval to designate by by-law the Hamilton Beach Heritage Conservation District under Part V of the *Ontario Heritage Act*; and,
- (c) That the recommendations and implementation strategies contained in the *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* be undertaken by the appropriate departments and agencies.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The recommendation does not require Transition Board Approval.

The City of Hamilton Official Plan notes that Council may, in consultation with LACAC, designate a Heritage Conservation District, under the provisions of Part V of the *Ontario Heritage Act*.

BACKGROUND:

- The Hamilton Beach Neighbourhood Plan, adopted in 1992, recommended a heritage district for this area;
- The sale of City-owned lands in the Beach area is subject to the preparation of infill guidelines for new housing, as per the November, 1998 disposal strategy;
- Support for the district was obtained from a majority of property owners in the area by June, 1999;
- LACAC approved that a Heritage Conservation District Study and Plan be undertaken for the area on June 21, 1999; and City Council adopted a by-law to formally define and study this area as a heritage district in April, 2000;
- A background report, prepared by staff, was finalized in May, 2000, and the draft *District: Guidelines* report, prepared by consultants, was submitted in June, 2000;
- Four public meetings were held with property owners from March, 1999 until July, 2000 to discuss the proposed district and plan. There were also extensive contacts by letter, by phone and in person;
- The *District: Guidelines* report was distributed to LACAC and the Research Committee for comments in July, 2000. Revisions to the plan were incorporated from discussions with residents, staff and others.

AREA:

A map of the proposed *Hamilton Beach Heritage Conservation District* is attached. This is the area from 869 to 1019 Beach Boulevard, on the lake side of the street, and 870 to 1064 Beach Boulevard, on the bay side, excluding 913 Beach, including 2 Fourth Ave.

OVERVIEW OF HERITAGE DISTRICT PLAN:

The *Hamilton Beach Heritage Conservation District* plan consists of two volumes:

1. Heritage Assessment

The *Hamilton Beach Heritage Conservation District - Heritage Assessment*, was prepared by staff to confirm the rationale for establishment of the district, by reviewing the area's history, architectural heritage, and related heritage planning legislation and controls. The report defined the heritage character of the area, and established the area from 869 to 1019, and 870 to 1064 Beach Boulevard, excluding 913, including 2 Fourth Avenue, as being worthy of designation under Part V of the Ontario Heritage Act.

2. Guidelines for Conservation and Change

The *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change*, was prepared by Archaeological Services Inc., Wendy Shearer Landscape Architect Limited, and Sinisa Tomich Urban Designer, July 2000. It is intended to provide guidance in the care and protection of the heritage character of the Hamilton Beach area. The plan focuses on three objectives:

- Existing Houses - To maintain the existing stock of heritage residences, including high style architectural buildings and vernacular buildings. Where change is being considered, heritage buildings and their defining features and/ or materials

are to be protected. The intent is not to require owners to restore buildings to their original appearance.

- Streetscape and landscape - To ensure that existing features are conserved and managed, including grass boulevards, street trees, and mature boundary plantings such as trees and hedges;
- New houses - To encourage new houses to be built with massing which emphasizes depth rather than width, not to exceed two storeys, with garages to the rear, encouraging front gable and hip roofs, porches and verandas utilizing contemporary designs.

The *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* report includes several recommendations, and several sets of guidelines for existing houses, infill housing and landscape elements, to carry out the plan's intent.

Recommendations in Heritage District: Guidelines for Conservation and Change

1. Cultural Heritage Landscape

That the City of Hamilton formally recognize the Hamilton Beach area from the intersection with Eastport Drive to the intersection with Van Wagner's Beach Road as a significant cultural heritage landscape for planning purposes.

Comment:

This recommendation can be supported. It recognizes the heritage significance of the wider Beach area. A "cultural heritage landscape" is a "*defined geographical area of heritage significance which has been modified by human activities*". Such an area is valued by a community, and is of significance to understanding the local history. The heritage significance of the Beach area is documented in the *Heritage Assessment and District: Guidelines* reports.

2. Zoning By-Law Amendments For Building Height and Setbacks

Given the character of building heights and setbacks within the *Hamilton Beach Heritage Conservation District* it is recommended that consideration be given to amending the Zoning By-Law within the *Hamilton Beach Heritage Conservation District* to permit a maximum building height of 9.0 metres.

The infill guidelines contained in the *District: Guidelines* report also address:

- front yard setbacks for new houses, which are proposed to be in keeping with existing houses; and,
- garages, which are not to form part of the front façade of the new houses.

Comment:

These recommendations and guidelines are supported, and have been quantified by means of City Initiative rezoning CI-00-D, which is the subject of a separate report, and which will supersede the heritage plan on these matters. The recommended maximum building height in this rezoning is 9.0 metres and 2 storeys, rather than 9.0 m as in the heritage plan. This provides more consistency with existing houses in the area, which are almost all 2 storeys or less.

The maximum front yard setbacks have been set at 12.0 m (40 ft.) for both sides of Beach Blvd. The front yard setbacks for existing houses on the bay side vary greatly from about 25 ft. to 70 ft. This maximum of 40 ft. enables the establishment of a more uniform streetscape than that which would result from each house being set back in relation to adjacent houses.

Garages and carports are to be set back a minimum of 1.5 m (5 ft.) from the front façade, by means of the related rezoning, rather than an unspecified distance as contained in the guidelines of the heritage plan. This helps ensure that garages are not a dominant feature of the building façades, as in many suburban areas.

3. **Tree By-Law Permits and Tree Preservation :**

It is recommended that the City of Hamilton in considering any permits required under the existing (Municipal) Tree By-Law should notify, consult with and seek the advice of the *Hamilton Beach Heritage Conservation District Advisory Committee* prior to any actions that may detract from the heritage character of the area. The Advisory Committee may wish to advise the City on the appropriateness of adopting a comprehensive tree by-law for all lands within the heritage district.

Comment:

This recommendation is supported, as it will help ensure the preservation of the existing street trees which contribute to the scenic and visual interest of the area. The current City of Hamilton Tree By-Law regulates the preservation of trees within the public road right-of-way. Actions which may change the appearance of street trees, requiring permits under this by-law, should be done with input from the Advisory Committee. Since trees on private property also contribute significantly to the area's character, a comprehensive tree by-law for the whole area may merit consideration.

4. **Establishment of *District Advisory Committee***

It is recommended that the *Hamilton Beach Heritage District Advisory Committee* be established for the management of this conservation district, and that it report through the Community Planning Department to the Planning and Development Committee. It would be advised by staff of the Community Planning and Development Division, and other appropriate municipal staff.

Comment:

This Advisory Committee is proposed to help carry out the recommendations of the district plan, and would include four property owners from the district, one LACAC representative and one municipally elected representative, ex officio. The Committee is recommended to report through LACAC, rather than directly, to Planning and Development Committee. Some District residents have indicated their interest in being part of such a committee. This group would advise Council on the appropriateness of proposed changes, administration of the Section 42 permit application process, heritage funding programs, promotion of the district plan, and monitoring of its effectiveness. This approach was recommended for other heritage districts.

5. **Permit Application Process**

It is recommended that heritage district permit applications be submitted to the Community Planning Department. They would describe the proposed work, in terms of the nature of alterations to building fabric, additions, new construction, etc. Review and approval would be done by Community Planning staff with the District Advisory Committee, who would recommend to Planning and Development Committee and Council. District permit application forms may be required if considered to be expedient. Building permit applications would be received and reviewed by Building Department staff, by means of a separate process as at present. This might overlap the review of heritage permit applications, but final approval would be after heritage permits are approved.

Comment:

This permit application process is acceptable. It helps to ensure that regardless of whether a building permit application or district permit application is submitted first, the district permit application is dealt with first. The proposed process is intended to ensure that the review of applications proceeds in a consistent manner and includes consideration of the district plan and other requirements.

6. **Heritage Review of Applications and Proposals in Area**

The plan recommends that where any application or proposal for one of the following is located within, partially within or adjacent to the designated district:

- a variance or consent;
- a plan of subdivision;
- zoning amendment;
- road closure;
- road widening;
- any public works and improvements by a municipal authority or local utility,

that the municipal heritage planner will be consulted and provide advice on the appropriateness of the application given the intent of the municipal Official Plan, Zoning By-law and specifically the *Hamilton Beach Heritage Conservation District Guidelines*.

Comment:

This recommendation is appropriate, since it seeks to ensure that all development applications and changes to public works and utilities within the district are reviewed by heritage staff, to ensure the intent of the District plan.

7. **Process for Review of Site Plan and Heritage Permit Applications**

In order to eliminate duplication, applications for site plan and heritage permit are to be submitted at the same time, as separate applications. The heritage permit applications would address all matters relating to the detailed design and construction of buildings and structures. Both applications should be considered in the context of the policies and guidelines provided in the heritage conservation district plan, and appropriate conditions applied to each application as necessary.

Comment:

This recommendation is endorsed. All the lands within the heritage district would be subject to site plan control and heritage permit applications. The proposed

parallel review process helps to ensure that each application process deals with the appropriate matters, to avoid duplication, and that the heritage district plan is considered in this review.

8. **Development Permit System**

It is recommended that the City's Community Planning and Development Division and City Council give consideration over the next five years to the application of a development permit system for designated heritage conservation districts within the municipality.

Comment:

This recommendation is supported since the development permit system would have many benefits for use within this district and other heritage districts. Such a system, which is presently under review by the Province for several pilot projects, combines the existing zoning, site plan control and minor variance application processes into one process, which provides greater flexibility and streamlining. However, until the Province issues a regulation pursuant to Section 70.2 of the Planning Act, development permits are not authorized.

Guidelines in Heritage District: Guidelines for Conservation and Change

There are a number of recommended guidelines and actions in the *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* report that are not outlined above. These guidelines for new housing, renovations and landscape character are also hereby adopted, and will be used during the heritage permit process. Some examples of the actions to be encouraged include:

- **Guidelines for Alterations and Additions to Buildings and Sites**, pgs. 7-12:
These establish guiding principles, including the maintenance and enhancement of historical, architectural and landscape features, avoiding major changes or severe cleaning; maintaining features and spaces around buildings, protecting and maintaining existing windows, entrances; and ensuring additions are in keeping with the existing building and preferably not visible from the street.
- **Design Guidelines for New Infill Construction**, section 5.0, pgs. 13-16:
The guiding principles for new infill include encouraging buildings to extend rearward on the lot, rather than sideways; provision of a variety of building types; garages and other ancillary structures should be located to the rear; building height should be limited; façades should include 3 bays (entrance / windows). A number of architectural features are to be encouraged, including front gables, traditional wall cladding materials, cross-gable or hipped roofs, entrances with porches or verandas.
- **Landscape Conservation guidelines**, section 6.0, pgs. 19-21:
Property owners are encouraged to preserve existing shrubs, hedging and ornamental fencing; to retain existing perimeter plantings during new construction; locate driveways to retain mature trees; plant new front yard trees using appropriate tree species found in the district. In the public realm, street

trees are to be chosen from appropriate species found in the area, and should be protected during construction.

Comment:

The application of these guidelines will be encouraged by means of the heritage permit process and site plan review. The related zoning by-law amendment also implements some of these guidelines, by specifying the extent of setbacks. Illustrations are provided in the report to show the guiding principles and examples of housing styles and features. The guidelines will be provided to the appropriate persons, departments and agencies, including persons bidding on new infill lots, existing property owners, Public Works and others, to help ensure that the guidelines are followed.

Support From Property Owners

The majority of property owners have indicated their support for the proposed heritage district. A total of four public meetings have been held on this issue. In addition, a series of letters and information packages were sent to owners, personal visits and phone calls were made, and response forms were provided and returned. Of those who have expressed an opinion, 87% of property owners are in favour of the district. At the present time, of the 31 houses in the area, there are 20 owners in favour, 3 opposed, 1 undecided, and 7 who have not expressed an opinion by responding to the letters and invitations to comment. Some of those who have not commented are neutral, and may not feel the district will affect them.

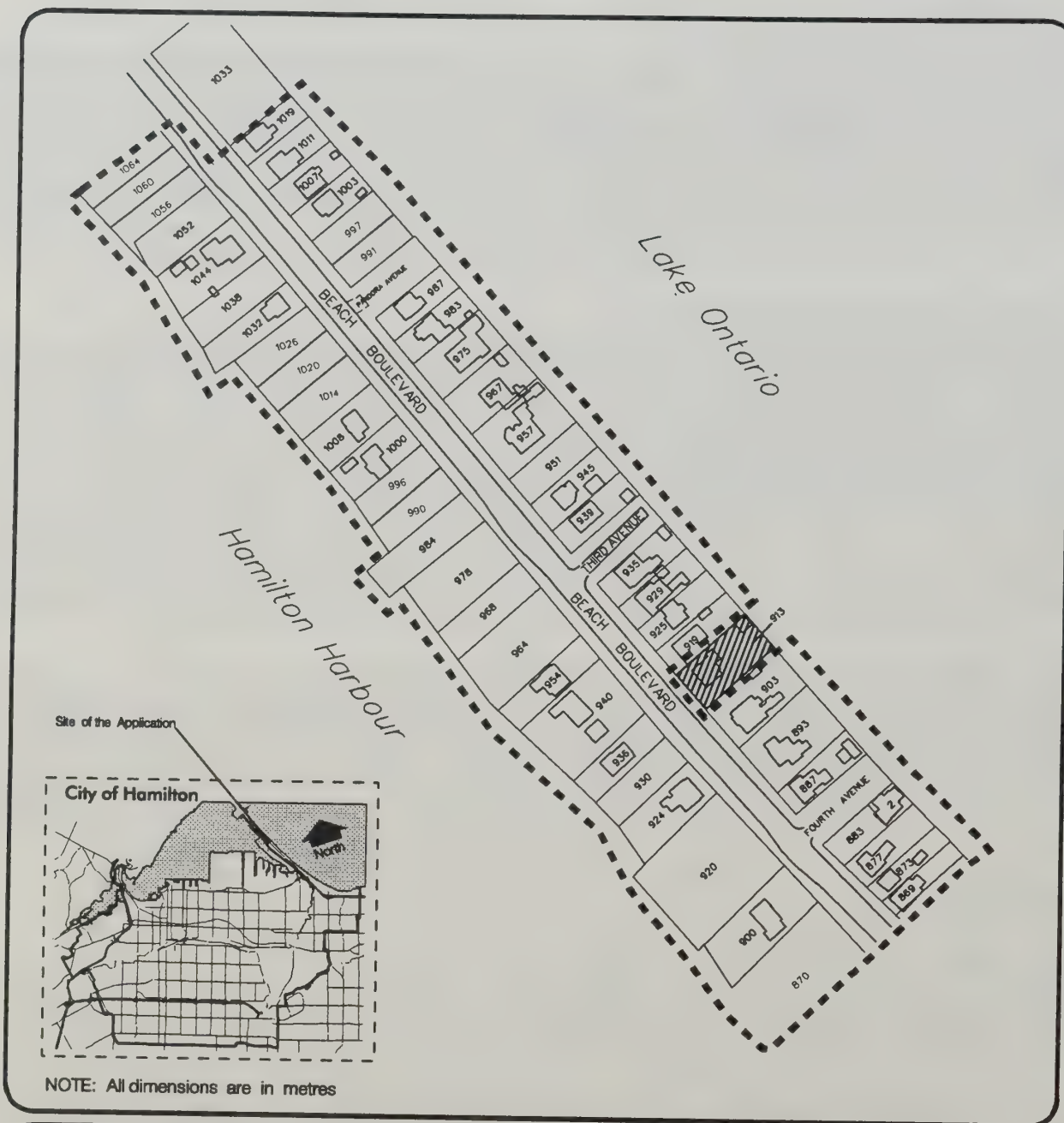
One house to be excluded from the district is 913 Beach Boulevard. This house is already designated under Part IV of the *Ontario Heritage Act*, individually. Section 41. (2) of the *Ontario Heritage Act* specifies that no property can be designated under both Parts IV and Part V. Rather than de-designating this property, it is preferable to exclude from the district, as it is already protected by heritage legislation. The property at 2 Fourth Avenue, the only house on a side street, is to be included in the district.

PROCESS:

The by-law of adoption for the *Hamilton Beach Heritage Conservation District* is to be approved by Council concurrently with the plan. An Ontario Municipal Board hearing is required for final approval of the plan. An early hearing date will be requested and may be possible within a couple of months. The sale of the first set of City-owned lots on the Beach is ready to proceed. The infill guidelines contained in the *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* will be provided to people bidding on these lots, along with the tender packages, to inform them of the City's expectations regarding the nature of new housing in this area.

CONCLUSION:

Based on the foregoing, adoption by Council of the *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* can be supported. Designation of the *Hamilton Beach Heritage Conservation District* under Part V of the *Ontario Heritage Act* can also be supported.



City of Hamilton


Hamilton Beach Heritage Conservation District

(869-1019 and 870-1069 Beach Boulevard)

Community Planning and Development Division

Legend

- Boundary of Hamilton Beach Heritage Conservation District
- Designated under Part IV, Ontario Heritage Act

North 	Scale	Reference File No.
	NOT TO SCALE	HCD-HB
	Date July, 2000	Drawn By J.S

CITY OF HAMILTON

2.4.2

- RECOMMENDATION -

DATE: 2000 July 17
(CI 00-D)

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Nos. 869-1019 and 870-1064 Beach Boulevard - Further
Modifications in Zoning (PDC00124)

RECOMMENDATION:

That approval be given to **City Initiative 00-D**, for further modifications to the "C" (Urban Protected Residential) District regulations, to establish a maximum front yard setback for the dwellings and garage/carport and to reduce the maximum height limitations on buildings and structures, for the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as APPENDIX "A", on the following basis:

- a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as APPENDIX "A", be further modified to include the following variances as special requirements:
 - i) That notwithstanding Section 9(2) of Zoning By-law No. 6593, no building shall exceed 2 storeys and no structure shall exceed 9.0m, in height and;
 - ii) That notwithstanding Section 9(3)(i) of Zoning By-law No. 6593, the maximum front yard depth for the dwelling shall not exceed 12 m;
 - iii) for a dwelling with a carport or attached or detached garage, then the following provisions shall apply:
 - 1) that notwithstanding any other provision of this by-law or Zoning By-law No. 6593, the front wall of the carport or garage shall be a located a minimum of 1.5m behind the main wall of the dwelling and in every case have a front yard depth of not less than 7.5m;
 - iv) That Sections 18(2)(i) and 18(3)(iii) of Zoning By-law No. 6593 shall not apply.


- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1435a and 1436a, and that the subject lands on Zoning District Maps E-80e, and E-80f be notated S-1435a and 1436a;
- c) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80e and E-80f for presentation to City Council; and,
- d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for modifications to the "C" (Urban Protected Residential) District regulations of Zoning By-law No. 6593, for the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as APPENDIX "A".

The effect of the bylaw is:

- a) to limit the maximum height of all buildings and structures to 9.0m and 2 storeys whereas the Zoning By-law allows a height of 11m and 2 ½ storeys;
- b) to establish a maximum 12m (40 ft.) front yard setback for the dwelling whereas no maximum setback exists;
- c) to require the carport or the garage to be setback a minimum of 1.5m from the main wall of the dwelling whereas the Zoning By-law contains no minimum setback for the garage or carport;
- d) to prohibit increased heights above two storeys if greater side yards are provided; and,
- e) to prohibit front yard setbacks of less than 6m in depth.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, City Council shall hold at least one public meeting to consider amendments to the Zoning By-law.

BACKGROUND:

On November 30th, 1998, the Parks and Recreation Committee approved the land use disposal strategy for the beach strip. Prior to the disposal of any lands, certain conditions were required to be fulfilled, one of which was:

"an infill guideline proposal for new housing on the Hamilton beach"

The implementation of the infill guidelines for vacant lands is an important element in ensuring that future development complements the existing character of the Beach Strip. The Heritage Conservation District is best way of implementing these guidelines.

Hamilton Beach is a unique residential community because it retains many of the residences that were characteristic of the turn of the century lake side resort. The northern end of the beach strip contains highest concentration and the best examples of the summer homes. As a result, the area between Nos. 869-1019 and 870-1064 Beach Boulevard was selected for the preparation of the Heritage Conservation District Plan.

The approval of the Heritage Conservation District Plan is the subject of a separate report.

It should be noted that No. 2 Fourth Avenue is excluded from the zoning because it does not front on Beach Boulevard and the size of the lot is 16.8m x16.8m.

OFFICIAL PLAN:

The lands are designated "Residential" on Schedule "A" – Land Use Concept of the City of Hamilton Official Plan. The following policy also supports the zoning modifications:

"C.7.3v) Encourages new residential development that provides for a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" in the approved Hamilton Beach Neighbourhood Plan. The proposal does not conflict with the land use designations since the lands are intended to be developed for single family dwellings.

In addition, the following policies support the proposal:

1.2.1 The shape and configuration of new lots as well as their size and building setbacks, may be adjusted to reflect the density and configuration of existing development in the immediate vicinity.

5.2.9 *A Heritage Conservation District for the north-central portion of the Beach may be considered in order to retain the special character of this area, where there is presently a high concentration of heritage buildings. This would enable control over the type and scale of infill in this area, as well as the retention of existing heritage features of buildings.*

The proposal complies with the intent of the Neighbourhood Plan.

COMMENTS:

The purpose of the Heritage Conservation District Plan is three fold:

- 1) to maintain the existing stock of heritage buildings including ones with or without particular heritage features;
- 2) to ensure that infill development complements the existing buildings within the District; and,
- 3) to ensure the existing streetscape and landscaped features are conserved and managed.

To achieve the objectives of the Plan for building mass, streetscape, etc., the existing zoning district regulations require some minor modifications. These changes include reducing the maximum allowable building height; establishing a maximum front yard setback for buildings; and a minimum front yard setback for the garage (detached or attached).

There are 56 lots within the Heritage Conservation District, of which 25 are vacant. The majority of the vacant lots (21) are on the bay side and the remaining 4 lots are on the lake side.

• Maximum Allowable Height

The existing "C" District regulations have a maximum height of 11m (36 ft.) and 2 ½ storeys. The following is a breakdown of the building heights within the District:

Height of building	Lake Side	Bay side	Total
1 storey	4	5	9 (29%)
1 ½ storey	5	3	8 (26%)
2 storey	9	1	10 (32%)
2 ½ storey	4	0	4 (13%)

Eighty-seven percent of the buildings are between 1 and 2 storeys. There are no exact height measurements available.

The proposed modifications would be to restrict the height to 2 storeys and 9.0m. Based on average ceiling height per storey, 9.0m is a reasonable height limitation and the 2 storey restriction would reflect the existing character of the Beach strip since few houses are above 2 storeys.

There is an additional provision in the Zoning By-law which would allow for a front yard setback of less than 6m if the two adjacent lots also have front yard setbacks of less than 6m. It appears that houses have front yard setbacks of at least 6m; regardless, it would be appropriate to ensure this clause does not apply along the Beach strip.

- **Maximum Front Yard Setback**

There are no maximum front yard setbacks in the "C" District regulations. The beach strip lots are unique lots in that the rear lot line is adjacent to Lake Ontario or the QEW.

For example, to maximize the view of the lake, a house could be set back from the street as much as 24m (80 ft.), given the depths of the lots. This setback would be out of character with the majority of the existing residential lots on the lake side which range from 6m (20 ft) to 15m (50 ft.) with an average of approximately 9m (30 ft). On the bay side the lotting is quite different with 4 lots having a front yard of 6m (20 ft.) and 4 additional lots at 21m (70 ft). However, the number of new dwellings is significantly higher on the bay side (21 lots) compared to the lake side with 4 vacant lots.

One of the hallmarks of the Heritage Conservation District is to maintain the visual relationship between infill buildings, the adjacent houses and the street. To maintain this relationship and streetscape appearance, it would be appropriate to establish a maximum front yard setback for both sides of the street of 12m (40 ft.). Although there are 4 houses on the bay side with front yards of approximately 21m, they represent a minority within the proposed Heritage Conservation District since there are 21 lots to be developed on the bay side and the existing character on the lake side has houses setback on average 9m. In addition, the bay side abuts the QEW and it would be appropriate for the buildings to be set closer to Beach Boulevard than the highway. This change differs from the Heritage Conservation District Plan which suggests the front yard setback be similar to the 4 houses with the large setback.

It should be noted there is a provision in the zoning by-law which allows for three storeys in height if additional side yard setbacks are provided. This provision should not apply since the height restriction is proposed to be two storeys.

- **Setbacks for Garages**

The streetscape and architectural style of the beach strip homes have the garages located at the rear of the property. Access to the garage is via a side drive. In cases where there are no garages, parking is in the side yard. To enhance the existing character of the beach strip, the garages or carports should be located behind the front wall of the dwelling. This will avoid architectural styles where the garage tends to dominate the front of the dwelling. This style is more typical of suburban type development.

To ensure the garages and carports are setback from the front wall of the dwelling, a zoning by-law provision will require a minimum of a 1.5m (5 ft.) setback for the garage from the front wall of the dwelling.

The City has passed similar by-laws elsewhere in the City (Woodland Meadows/Tiffany Park) to implement an urban design strategy which has the front of the dwellings, instead of the garages, as the dominant landscape feature.

The diagrams below illustrate the setbacks for new dwellings in the proposed Heritage Conservation District.

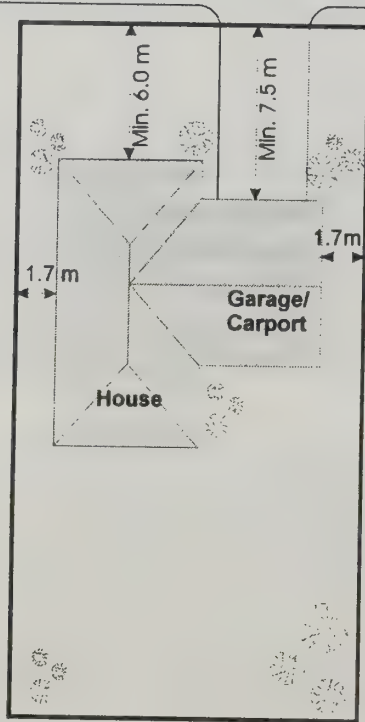


Figure 1: minimum front yard setback

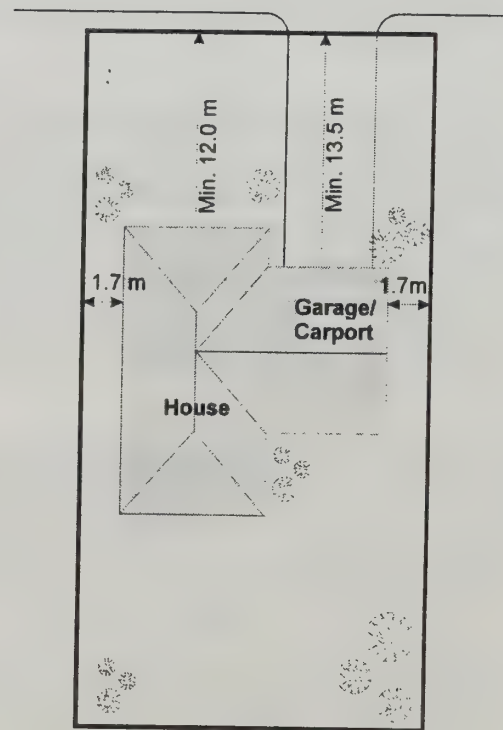


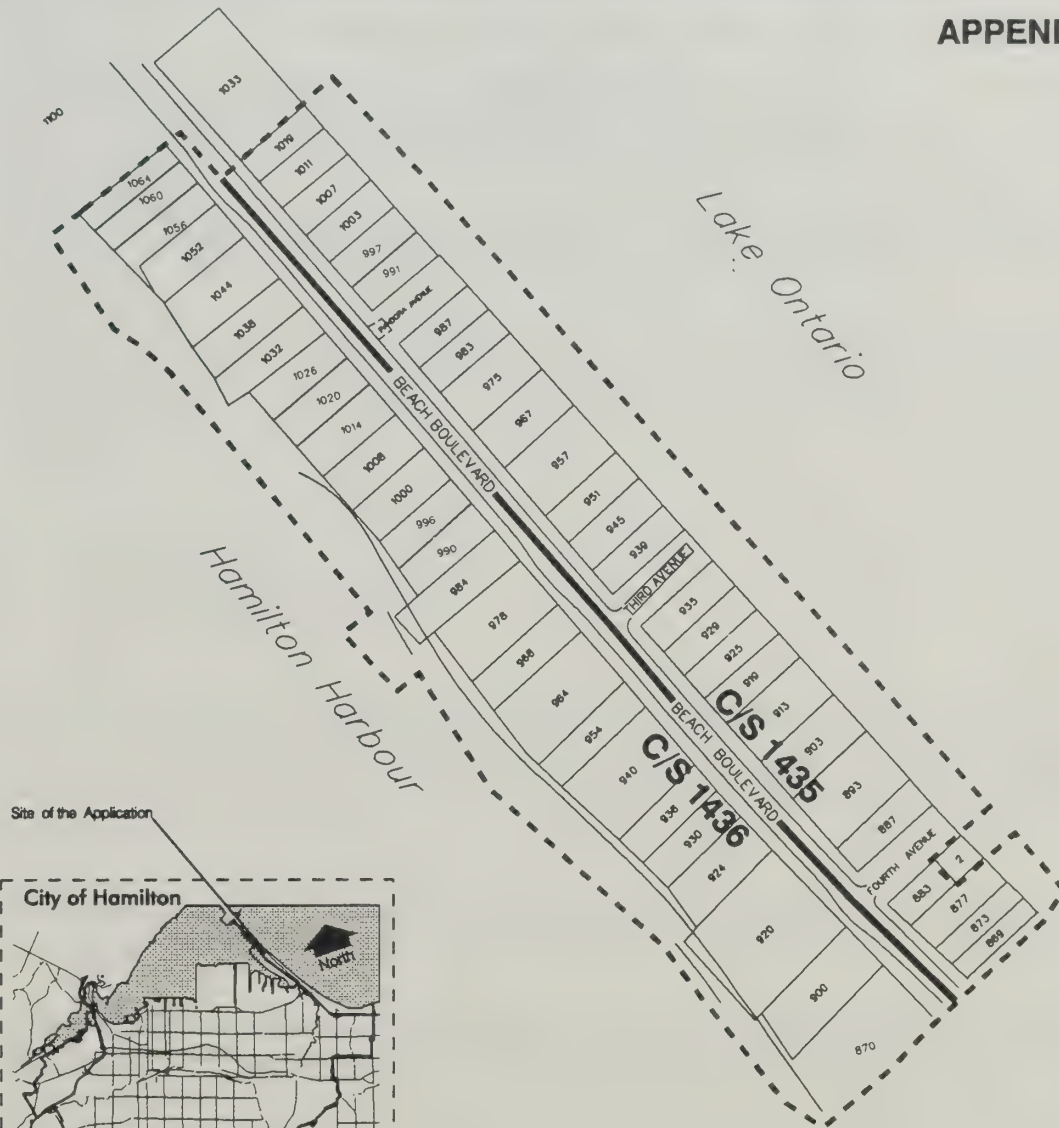
Figure 2 - Maximum front yard setback

CONCLUSION:

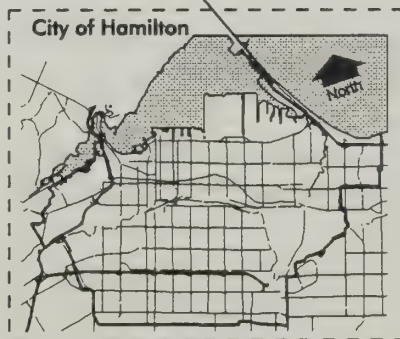
Based on the foregoing, it is recommended the "C" District regulations be modified to implement the objectives of the Heritage Conservation District Plan.

JHE

APPENDIX A



Site of the Application



NOTE: All dimensions are in metres

City of Hamilton

Key Map

Community Planning and Development Division

Legend

--- Further modification to the "C"
(Urban Protected Residential, etc)
District regulations.

North 	Scale NOT TO SCALE	Reference File No. CI-00-D
	Date July, 2000	Drawn By J.S



JUL 24 2000

2.4.2.1

CITY HALL
HAMILTON ONTARIO**THE CORPORATION OF THE CITY OF HAMILTON**

PLANNING AND DEVELOPMENT COMMITTEE

**NOTICE OF A PUBLIC MEETING OF
THE PLANNING AND DEVELOPMENT COMMITTEE****Amendments to Zoning By-law No. 6593 for Properties located between 869-1019 and
870-1064 Beach Boulevard within the City of Hamilton**

The Planning and Development Committee will hold a Public Meeting to consider further modifications to the "C" (Urban Protected Residential, etc.) District regulations for properties located between 869-1019 and 870-1064 Beach Boulevard within the City, as shown on the attached map marked as APPENDIX "A", as follows:

DATE: Wednesday, August 9, 2000
TIME: 9:45 am
PLACE: Room 233, Second Floor
City Hall

The purpose of the modifications is to limit the height of development to 9.0m and 2 storeys and to establish a maximum and minimum front yard setbacks. The modifications will implement the proposed recommendations of the Heritage Conservation District Plan relating to building mass and streetscape.

The proposed modifications to Zoning By-law No. 6593 comply with the City of Hamilton Official Plan. An Amendment is not required.

You may submit your comments in writing indicating your support or opposition to the proposed By-law amendment to the Secretary of the Planning and Development Committee.

If a person or public body that files an appeal of a decision of the City of Hamilton in respect of the proposed by-law does not make an oral submission at the public meeting or written submissions to the City of Hamilton before the proposed by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

The staff report will be available on or after August 7, 2000 for inspection between the hours of 8:30 am and 5:00 pm, at the Planning and Development Department 5th floor, City Hall, 71 Main Street West. If you require additional information, please contact Joanne Hickey-Evans at 546-4229 or Vanessa Grupe at 546-4160.

CI 00-D HAMILTON REGION CONSERVATION AUTHORITY

Secretary
Planning and Development Committee

NO OBJECTION

July 21, 2000

CI-00-D

JUL 28/00

MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday June 21, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman A. Horwath, Alderman D. O'Sullivan, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, J. Hickey-Evans, T. Redmond, E. Switinky, N. Smith, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEM WERE RECOMMENDED TO COUNCIL:

1. **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**
 - A. That approval be given to Official Plan Amendment No. 166, for lands located south of Chedmac Drive and east of Magnolia Drive for the following changes:
 - (a) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
 - (b) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and Open Space designations in accordance with the proposed plan of

subdivision "Scenic Park South".

- B. That approval be given to Subdivision Application 99-04, (Regional File No. 25T-99009), Starward Homes Ltd., prospective owner to establish a draft plan of subdivision "Scenic Park South", on lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (a) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated April 25, 2000, showing 117 single-detached dwellings, 40 street townhouse units, 156 block townhouse units, 1 block for a public walkway and to establish 4 streets, attached as Appendix "B";
 - (b) That the applicant/owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
 - (c) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
 - (d) That the applicant/owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
 - (e) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (f) That the applicant/owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
 - (g) That the applicant/owner dedicate Block 122 to the City of Hamilton for parkland as provided for under Section 51 of the Planning Act;
 - (h) That the applicant/owner dedicate Block 121 as a public walkway to the City of Hamilton and that the applicant/owner provide for landscaping within the public walkway to the satisfaction of the Co-ordinator, Park Development and Maintenance Section, Department of Public Works and Traffic;

- (i) That Block 118 not be developed until such time as the lands have been assembled to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (j) That the applicant/owner carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

- (k) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (l) That the applicant/owner submit a Servicing Study to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (m) That reconstruction and realignment of Chedmac Drive as noted in the approved Mountview Neighbourhood plan and the realignment of Chedmac Drive be implemented upon the direction of the Land Development Director;
- (n) That the Final Plan not be registered until the applicant/owner satisfies all the conditions of approval of City of Hamilton Land Severance Application B-99:82. These conditions of approval cover all roadway and land dedications for street widenings, servicing costs, etc.;
- (o) That the applicant/owner pay all outstanding land and servicing costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. This is required in order that the City of Hamilton can pass the appropriate By-law to incorporate the .30m reserve, shown as part of Block "C" on Plan No. M-84, adjacent to Magnolia Drive, into the public highway;
- (p) That the 0.30m reserve previously incorporated into the Magnolia

Drive road allowance and shown on the submitted plan, be revised to the satisfaction of the General Manager, Transportation, Operation and Environment Division;

- (q) That the driveway locations on Lots 18 to 24 inclusive, Lots 32, 33, 42 to 44 inclusive, Lots 45 to 51 inclusive, Lots 104 to 108 inclusive and Lots 115 to 117 inclusive be to the satisfaction of the General Manager, Transportation, Operations and Environment Division and be shown on the approved engineering drawings;
- (r) That the radius of the street line out of the cul-de-sac bulb adjacent to Lot 99 must be a minimum of 9m;
- (s) That the beginning of curve and end of curve of the horizontal curves on the west leg of Street "A", the tangent between the reverse curves and the tangent to the east-west leg of Street "A" must be to the satisfaction of the General Manager of the Transportation, Operation and Environment Division and must be shown on the plan;
- (t) That the phasing of development be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (u) That the radius of Street "A" adjacent to Lots 115 to 117 and at the east limit of Street "A", adjacent to Block 120 must be shown on the plan;
- (v) That the limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance be amended due to the change in alignment of Street "A" on this draft plan submission;
- (w) That the limits of Street "A" in the "Extendicare Block" align centreline to centreline with the limits of Street "A" on this draft plan;
- (x) That all lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles;
- (y) That the subdivision plan not be registered until the Mountview Neighbourhood Plan has been revised to reflect the revised road pattern and land use designations; and,

- (z) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City/Region prior to development of any portion of these lands.
- C. That funding for the acquisition of land required for park purposes in accordance with the approved Mountview Neighbourhood Plan, as revised to reflect the proposed plan of subdivision "Scenic Park South", for the amount of land that exceeds the 5% land dedication requirement, being approximately 7,580 m² (1.87 ac) of land, in accordance with Section 51 of the Planning Act and the City of Hamilton Official Plan, be forwarded for consideration in the 2001 Capital Budget.
- D. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-99-04/25T-99009), "Scenic Park South", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- E. That the Acting Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- F. That approval be given to Zoning Application ZAC-99-36, Starward Homes Ltd., prospective owner, for a changes in zoning for lands located south of Chedmac Drive and east of Magnolia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District;
 - (b) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That Blocks "3" and "16" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "C" (Urban Protected Residential, etc.) District;

- (d) That Blocks "4" and "7" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (e) That Block "5" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (f) That Block "6" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (g) That Block "8" and "9" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District;
- (h) That Blocks "10" and "11" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (i) That Block "12" be rezoned from "DE-3" (Multiple Dwellings) District to "RT-30" (Street Townhouse) District;
- (j) That Block "13" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-30" (Street Townhouse) District;
- (k) That Block "14" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "RT-20" (Townhouse – Maisonette) District; and,
- (l) That Block "15" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-20" (Townhouse – Maisonette) District.
- (m) That the "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "16", as referred to in Section F(iii) be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 9.(1), Subsection 18.(4) and Subsection 18.(13) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted;

- (n) That Subsection 2(b) of By-law No. 96-152 be deleted in its entirety;
- (o) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-43a and W-37 for presentation to City Council;
- (p) That the amending By-law applicable to Blocks 15 and 16 be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1363b, and that the subject lands on Zoning District Maps W-43a and W-37 be notated as S – 1363b;
- (q) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. 166 by the Region of Hamilton-Wentworth;
- (r) That upon finalization of the implementing zoning by-law, that the approved Mountview Neighbourhood Plan be amended to revise the road pattern as shown on the proposed plan of subdivision "Scenic Park South" (attached as Appendix "B") and to revise the land use designations for the following blocks (as shown on APPENDIX "A") on the following basis:
 - Blocks 1 & 2: - From "Park and Recreational" to "Single and Double" Residential;
 - Block 5 - From "Single and Double" Residential to "Open Space";
 - Block 6 - From "Low Density Housing" to "Open Space";
 - Blocks 8, 9, 10, 11 - From "Low Density Housing" to "Single and Double" Residential;
 - Block 12 - From "Institutional" to "Attached Housing";
 - Block 13 - From "Civic and Institutional" to "Attached Housing"; and,

Block 14

-

From "Single and Double" Residential to
"Low Density Housing".

2. ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)

That approval be given to Zoning Application ZAR-00-10, M.C.G.W. Properties Corp., owner, for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a car wash within a portion of the existing building and a proposed addition, for lands located at No. 544 Limeridge Road East, as shown on the attached Map marked as APPENDIX "C", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (i) Notwithstanding Section 14A.(1)(d) and Section 14.(1)(xviiia), a mechanical and/or manual car wash shall be permitted with a maximum floor area of 882 m² and more than one bay or stall may be utilized.
 - (ii) Notwithstanding Section 14A.(3)(b) and Section 18.(3)(ivc)(a), an easterly side yard setback of at least 1.0 m shall be provided and maintained.
 - (iii) Notwithstanding Sections 14A.(3)(c) and 18.(3)(ivc)(a), a rear yard of a depth of at least 4.5 m shall be provided and maintained for a car wash kiosk with a maximum floor area of 4.7 m².
 - (iv) Sections 18.(3)(ivc)(b) and 18.(3)(ivc)(c) shall not apply.
 - (v) Notwithstanding Section 18A.(1)(d), a minimum of one loading space having minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high shall be provided and maintained.
 - (vi) A landscaped area with a minimum width of 1.0 m shall be provided and maintained within the required minimum 1.0 m easterly side yard.
 - (vii) A landscaped area with a minimum width of 1.0 m shall be provided and maintained along the entire southerly rear lot line.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1448, and that the subject lands on Zoning District Map E-27B be notated S-1448.
- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27B for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)

That approval be given to Zoning Application 00-14, Ashok & Virbala Kumar, owner, requesting a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located at 81 Christie Street, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the land be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E in a form satisfactory for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)

That approval be given to Zoning Application ZAR-00-16 – 1472 Upper Gage Avenue, John and Barbara Crockett, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, for property located at the rear of 1472 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. Demolition of 19 Division Street (PDC00109) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 19 Division Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

6. Demolition of 322 Lake Avenue North (PDC00110) (item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 322 Lake Avenue North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Demolition of 120 Catharine Street South (PDC00111) (item 4.3)

- (a) That subject to the requirements below, the Acting Director of Building be authorized to deny an application for a demolition permit for the building located at 120 Catharine Street South in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec. 33); and,
- (b) That the Acting Director of Building be authorized to issue a demolition permit for the building located at 120 Catharine Street South where the applicant has applied for and received the required zoning amendment and the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

8. Demolition of 928 Burlington Street East (PDC00112) (Item 4.4)

That the Acting Director of Building be authorized to issue a demolition permit for 928 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

9. Amended Condition of Approval for Rental Housing Protection Act, Application CD-97-006 for 23-25 Macauley Street West (PD00001A) (Item 4.5)

(a) That, notwithstanding Section 1.(a)(iv)(2), of the Second Report for 1998 of the Planning and Development Committee, the conditional approval given by City Council on January 27, 1998 of Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", shall not have ceased on January 27, 2000; and,

(b) That Section 1. of the Second Report for 1998 of the Planning and Development Committee, respecting Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", approved by City Council on January 27, 1998, be amended by deleting clause 1.(a)(iv)(2) in its entirety and replacing it with the following:

"1.(a)(iv)(2) by December 31, 2000, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,".

10. Core Heritage 2000 Program, 14 Hess Street South (HSB00009) (Item 4.6)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eleven thousand, one hundred and sixty-five dollars (\$11,165) to Hess Village Enterprises, registered owner of 14 Hess Street South, be approved.

11. Authorization to advertise externally for Candidates to fill the position of "Heritage Planner" (PDC00113) (Item 4.7)

(a) That the General Manager of the Planning and Development Division be authorized to advertise externally for qualified candidates to fill the position of Heritage Planner; and,

(b) That this matter be forwarded to the Transition Board for approval.

12. Tax Incentive Program Extension – Commercial/Industrial Heritage Buildings in the Central Area (PDC00101) (Item 5.1)

That the Tax Incentive Program for designated commercial and industrial buildings be extended to include the Central Area in accordance with the eligibility criteria and requirements contained in APPENDIX "G".

13. Waiving of fees for 73 Garfield Avenue (Item 6)

That the Building, Park Dedication and Condominium application Fees be waived for the property located at 73 Garfield Avenue.

14. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-030 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 12-14 Brantdale Avenue.
- (b) C-031 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 801 and 803 King Street West and 80, 86 and 90 Carling Street.
- (c) C-032 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located East of Glancaster Road, West of Hawkswood Trail at the Westerly Limits of Falconridge Drive and South of Rymal Road West.
- (d) C-033 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 93-1623 Respecting Lands Located at Municipal Nos. 89-91 Vine Street.
- (e) C-034 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at 81 Christie Street.
- (f) C-035 A By-law to amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1015 Main Street West.
- (g) C-036 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 1015 Main Street West.

- (h) C-037A By-law to Remove Land Within the "Wisemount Estates, Phase 10" Subdivision, Plan 62M-889 from Part Lot Control.
- (i) C-038 A By-law to Remove Land Within the "Claudette Gardens, Phase 6" Subdivision, Plan 62M-796 and "Domvir Estates, Phase 1, Subdivision, Plan 62M-861 from Part Lot Control.
- (j) C-039 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 88-135 and 90-145 Respecting Lands Located at Municipal Nos. 1489-1523 Upper James Street.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – May 24, 2000 (Item 3.1)**
May 30, 2000 (Item 3.2)

The Minutes of the meeting held May 24, 2000 were adopted.

The Minutes of the meeting held May 30, 2000 were adopted.

- (c) **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

Paul Mallard gave a brief overview of the report. He noted that in order to complete the park the owner will be required to provide 1.8 acres more than that required as a parkland dedication and as such it will be recommended in the Capital budget for 2001.

Neighbours concerns regarding loss of sunlight and privacy have been addressed by the owner by tailoring back the building as it approaches the property limits and as such there is no need to retain the one and a half storey height limitation.

He continued by stating that there are 3 technical amendments being proposed.

In response to a question from Mr. Jim Cakebread of 665 Bendamere Avenue, Mr. Mallard advised that there will be an entrance to the property from Magnolia Drive.

The Committee approved the report of the General Manager, Community Planning and Development Division dated June 6 as amended to incorporate the technical changes.

(d) **ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. Of 20 notices circulated 1 replied in favour and 1 opposed.

The proponents were present in support of the application.

* Alderman Copps was recorded as opposed to the main motion.

(e) **ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 43 notices circulated 2 replied in favour and 6 opposed.

The proponents were present in favour of the recommendation.

(f) **ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 89 notices circulated 5 replied in favour and 0 opposed.

The proponents were present in favour of the recommendation.

(g) **Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105) (Item 2.5)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

The following submissions were received:

- (i) Mr. and Mrs. Viasticopoulos, 4 Gem Court, Hamilton, L9C 7S4
- (ii) Mr. and Mrs. Gerald Hladun, 103 West 35th Street, Hamilton
- (iii) Shirley Fawcett, Christy Rawson, Ida Smith, 69 West 35th Street, Hamilton, L9C 5K7 (including area residents petition).

Paul Mallard reviewed the report for the Committee. Of 56 notices circulated 4 replied in favour and 12 opposed.

Mr. Mallard added that the proponents have agreed to retain the existing walkway and that the recommendation is permitting the adaptive re-use of the building only. Any extension or addition would require further approval.

Danny Rawson of 148 West 35th Street was present and stated concerns regarding the parking lot, the grounds, the walkway and the severance. He was also concerned with increased traffic and noise.

Bob Donnell of 157 West 35th Street was concerned that the previous nurse's residence housed 140 students and this residence will house 250 students.

Jack Roser of 93 West 35th Street was concerned with the roads and sidewalks not being able to accommodate the added traffic.

Brenda Khes, agent on behalf of the proponent, stated that there will be no changes to the parking lot at this time.

Mr. Jim Campbell of Columbia College advised that the students are generally extremely well behaved as the school is costly and the students must maintain their grades in order to enter university. He added that there is a strict disciplinary system that allows the college to expel them from school and have their student visa revoked. He added that the College is looking to relocate on the escarpment in the future.

Alderman D'Amico stated that is the ward aldermen's intention to hold a neighbourhood meeting on this matter and that therefore the matter should be tabled.

Alderman O'Sullivan concurred.

Alderman Caplan and the Mayor advised that the College has been a good corporate citizen and an asset to the community. They hoped the College would expand in the lower city.

Following discussion the Committee resolved that the report of the General Manager, Community Planning and Development Division dated June 6, 2000 be tabled to the Committee of the Whole meeting of July 4, 2000 for a neighbourhood meeting to take place.

(h) **Residential Care Facilities, Long Term Care Facilities and Correctional Facilities (PDC00102) (item 5.2)**

Joanne Hickey Evans gave the Committee a PowerPoint presentation. She advised that the research is the first phase and the second phase will be a public participation process. She noted an error in the amount of beds referred to for the Kirkendall neighbourhood that should be 22 beds and not 122 beds.

A discussion ensued regarding facilities that are considered office use by the fact that the clients do not sleep there.

A discussion also ensued regarding the large number of legal non-conforming uses.

Following discussion the following recommendation was approved:

- a) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be received and the staff of the Community Planning and Development Division be directed to hold information meetings with various service providers and interest groups.
 - (b) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be forwarded to the Environmental Services Committee for information.
- (i) **Site Plan Control Application DA-00-07 for the demolition of the former Eaton's store and relocation of the existing Fortino's grocery store at 75 Centennial Parkway North (Eastgate Square) (PDC00115) (Item 5.3)**

Paul Mallard gave a brief overview of the report. He advised that the area residents' concerns regarding traffic, building design, and landscaping have been addressed by the proponents. Truck access will be from Centennial Parkway. The façade will be treated with stucco, and there will be extensive landscaping.

In response to a question from Alderman Copps, Mr. Redmond advised that Fire access is required prior to the issuance of a building permit.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated June 5, 2000 as follows:

That approval be given to Site Plan Control Application DA-00-07, Cadillac Fairview, owner for lands located at 75 Centennial Parkway North (Eastgate Square), to permit the demolition of the former Eaton's store and construction of a new 8,135 m² (87,570 sq.ft.) Fortino's grocery store, as shown on the attached map marked as APPENDIX "H", subject to the following:

- (a) modification to plans in relation to notes and dimensions, as marked in red on the plans;

- (b) submission of a revised landscaping plan to the satisfaction of the Director, Land Development Department;
- (c) submission of a revised grading plan to the satisfaction of the Director, Land Development Department;
- d) that the applicant enter the necessary agreements with the City of Hamilton for the roadway alterations required on Delawana Drive;
- (e) that the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance;
- (f) that the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within the Delawana Drive and Kenora Avenue road allowances;
- (g) that the applicant receive final approval of Committee of Adjustment Application A-00:24 from the Ontario Municipal Board for relief from the provisions of the City of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-97, or for a Zoning By-law amendment, to permit the construction of the new Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas;
- (h) that the applicant pay all costs associated with the removal and replacement of the existing trees within the Delawana Drive road allowance that are to be removed as a result of the roadway alterations and new access driveway, to the satisfaction of Superintendent, Forestry and Project Development, Public Works and Traffic;
- (i) That the applicant close Site Plan Control Application DA-98-44, being the previously approved site plan to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, and,
- (j) That the Acting Clerk be directed to advise the Ontario Municipal Board as to City Council's decision with respect to Site Plan Control Application DA-00-07.

- * Alderman Copps opposed to the main motion.

(j) **DELEGATION**

Waiving of fees for 73 Garfield Avenue (Item 6)

Sergio Manchia of Planning Initiatives and Anthony DiCenzo, solicitor, were present on behalf of ICON holdings, owner of 73 Garfield Avenue in order to request waiving of fees similar to those under the Open for Business area in the downtown core.

Mr. Manchia stated that the building is an adaptive re-use to 10 Condo loft apartments.

Mr. DiCenzo added that the building requires substantial repair and renovation. The Condo units can only be sold for a price that the market will bear.

Alderman Caplan stated that the Lofts at Dundurn should be given the same consideration if this request is approved.

Lee Ann Coveyduck advised that if the intention is to expand the Open for Business Policy area, An amendment to the Community Improvement Plan will be required and this will take approximately 6 months.

Alderman Eisenberger and the Mayor suggested that this request be approved as an individual case.

Alderman Copps stated that approval of this request will be deemed as bonusing which is illegal.

Alderman Horwath stated that the expansion of the Open for Business area will deteriorate the purpose to which the area was created in the first place, being re-development in the down town core.

Alderman Haining supports the request and stated that the residents support it. He added that fees to be waived amount to \$9,000.

The Committee adjourned into closed session to seek legal advice on this matter and reconvened immediately thereafter with a report.

A motion was placed on the floor to table the matter and was defeated.

A motion to waive the fees for 73 Garfield was placed on the floor and carried on a recorded vote as follows:

Recorded Vote on the main motion:

Yeas: Mayor Morrow, Aldermen Corsini, Haining, Eisenberger, Kelly
-5

Nays: Aldermen D'Amico, Copps, Caplan
-3

Carried

(k) OTHER BUSINESS

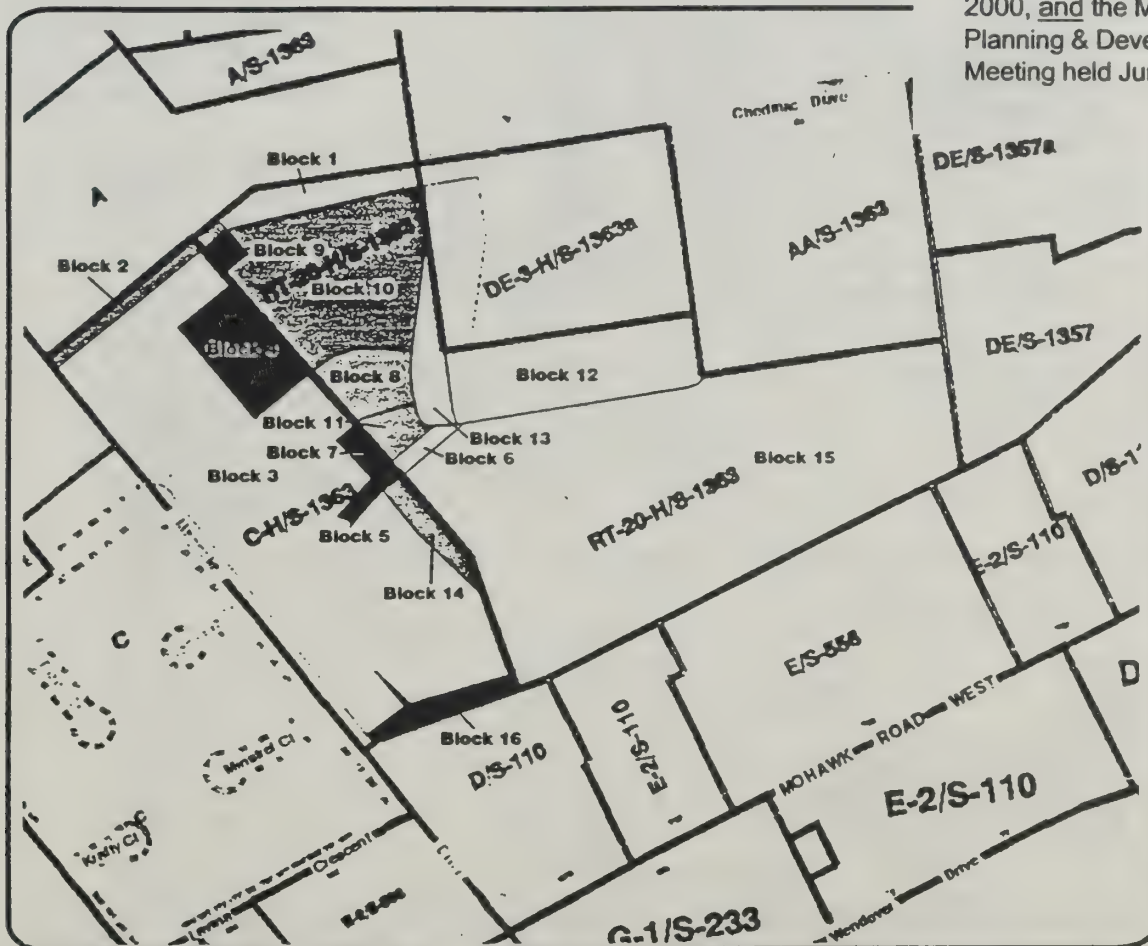
The Mayor requested that Planning Staff draft a proposed program for development of small businesses in the downtown core.

Note: The meeting of the Planning and Development Committee adjourned at 12:25 p.m.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
June 21, 2000**

Appendix "A" referred to
in Section 1 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



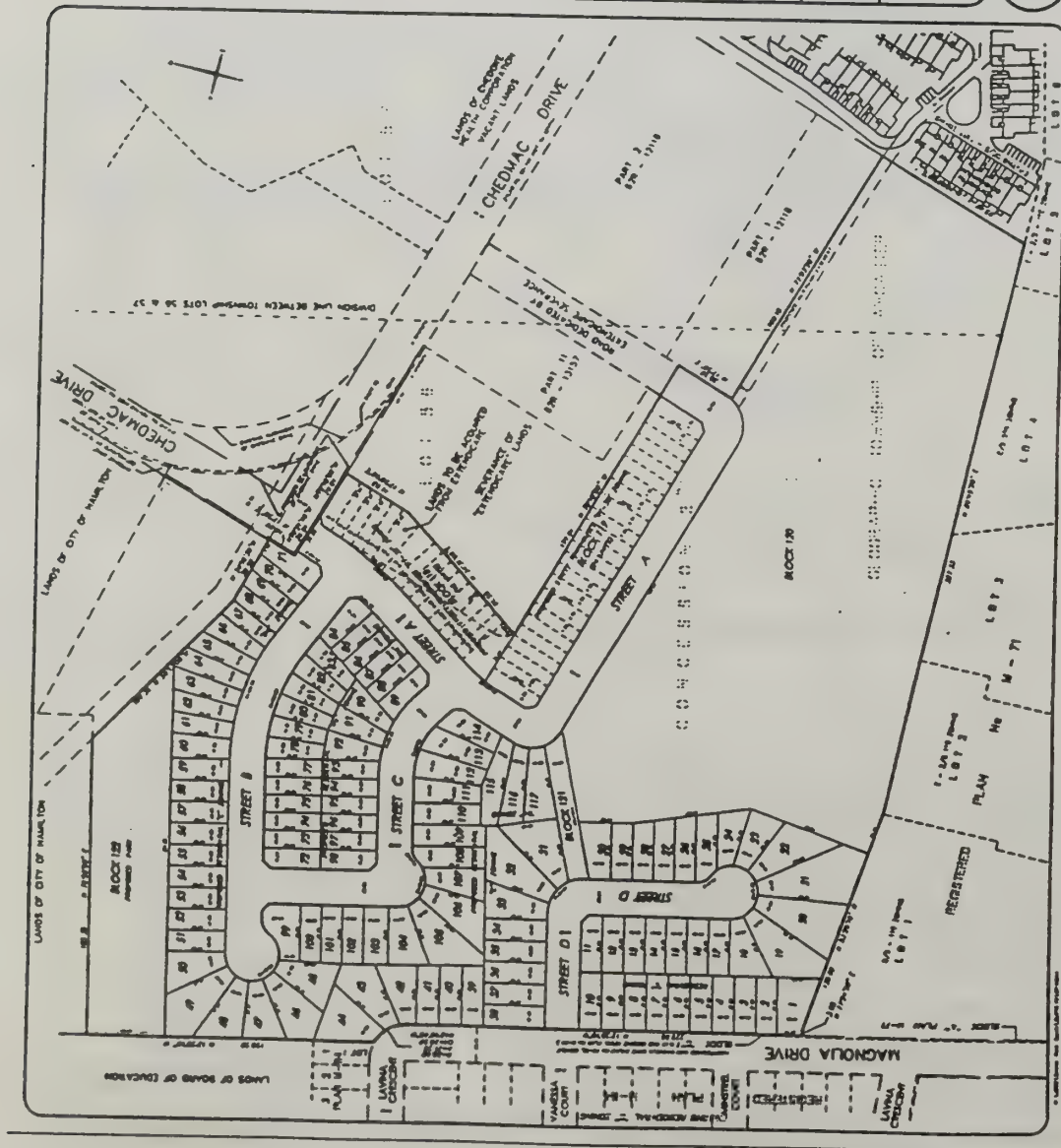
City of Hamilton

Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

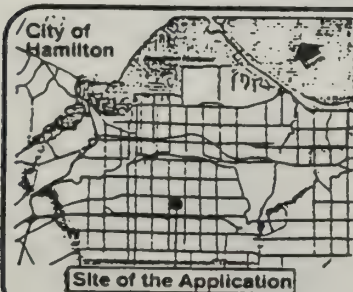
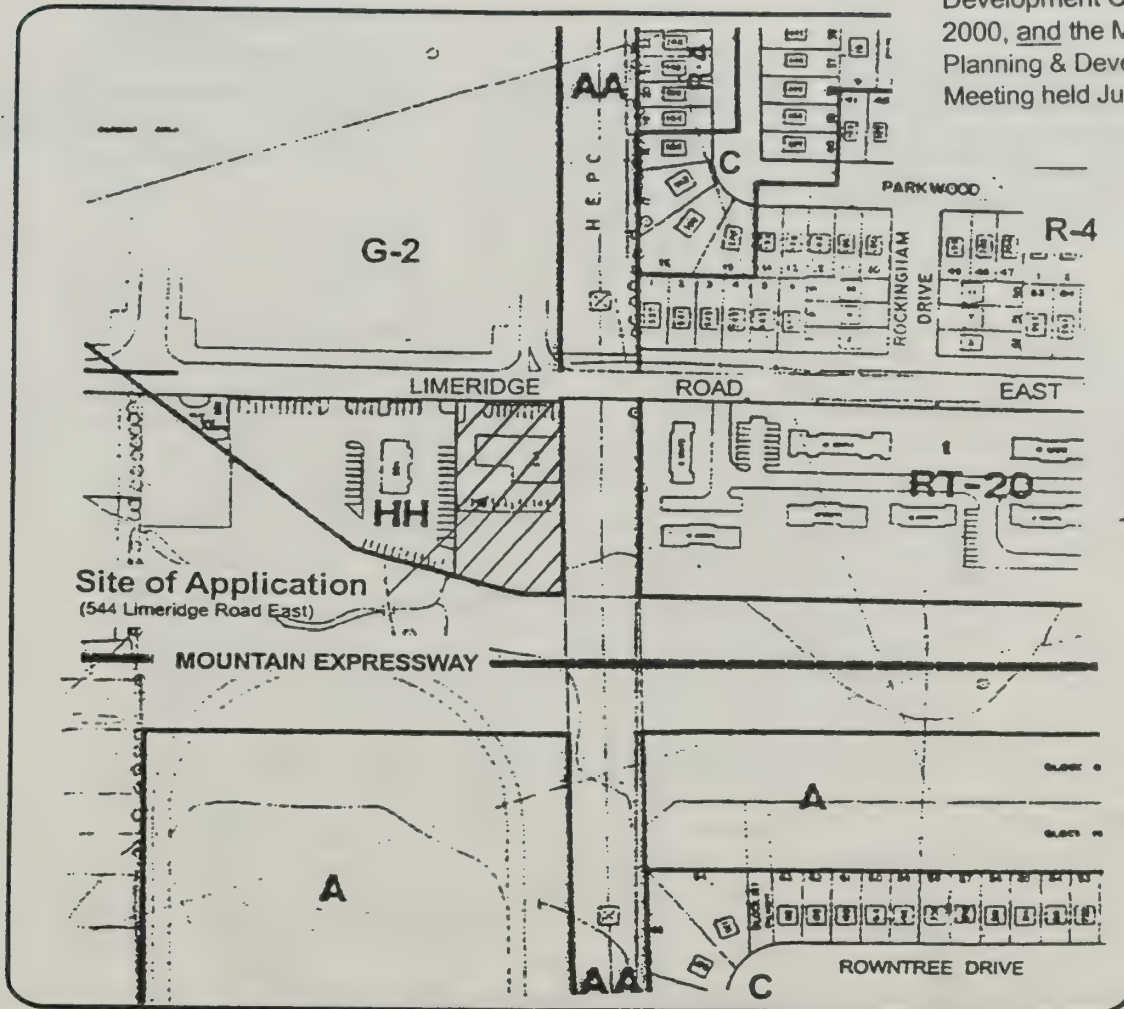
Location Map

Reference file:	Date	Scale	Technician:	Change in zoning from:	Change in zoning to:
SA-99-04/ZA-99-36	May, 2000	Not to Scale	D.L.	1 "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District	9 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District
				2 "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District	10 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
				3 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District	11 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
				4 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District	12 "DE-3" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District
				5 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District	13 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-30" (Street - Townhouse) District
				6 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District	14 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "RT-20" (Townhouse - Maisonette) District
				7 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District	15 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-20" (Townhouse - Maisonette) District
				8 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District	16 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District, mod.

[illegible]

APPENDIX "B" (RED-LINE REVISIONS INCORPORATED INTO PLAN)

Appendix "C" referred to
in Section 2 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application
(544 Limeridge Road East)
Modification to the "HH" (Restricted Community
Shopping and Commercial etc.) District.

Reference file:
ZAR-00-10

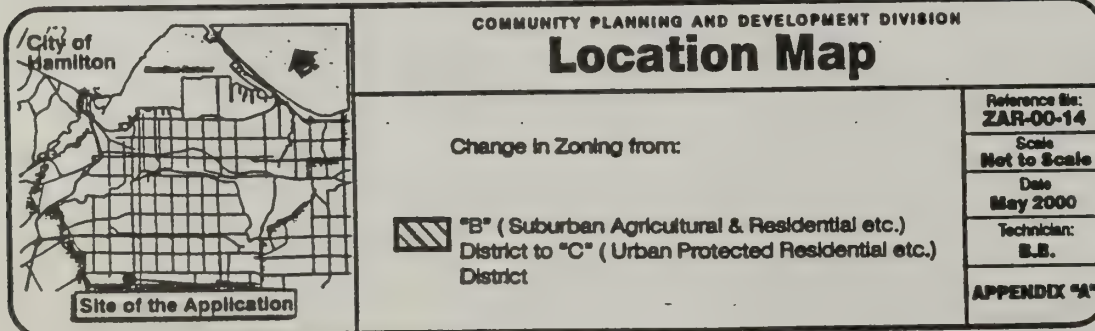
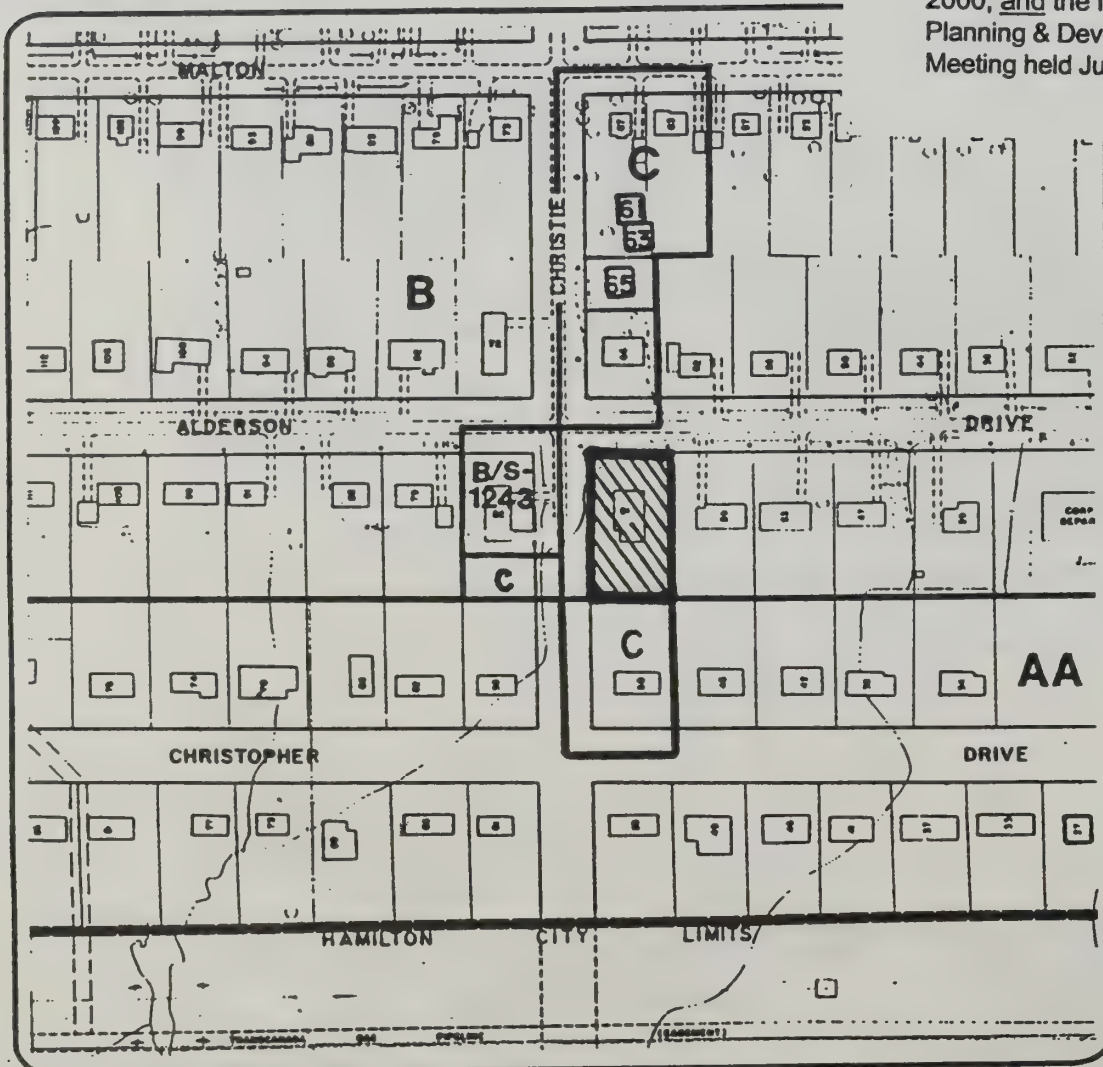
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Date
Mar. 2000

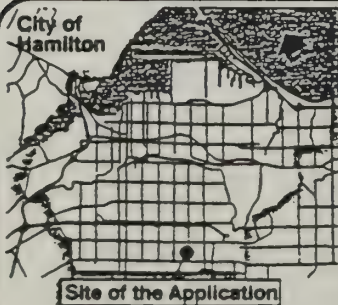
Technician:
JS

APPENDIX 'A'

Appendix "D" referred to
in Section 3 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "E" referred to
in Section 4 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application.
(1472 Upper Gage Ave.)
Change in zoning from "AA" (Agricultural)
to "R-4" (Small lot Residential etc.) District.

Reference file:
ZAR-00-16

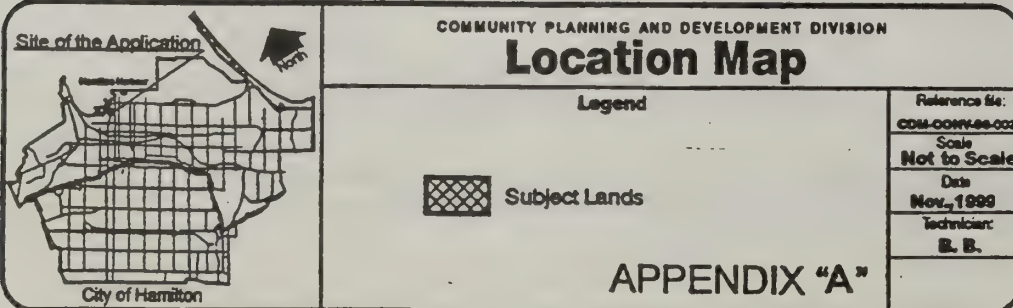
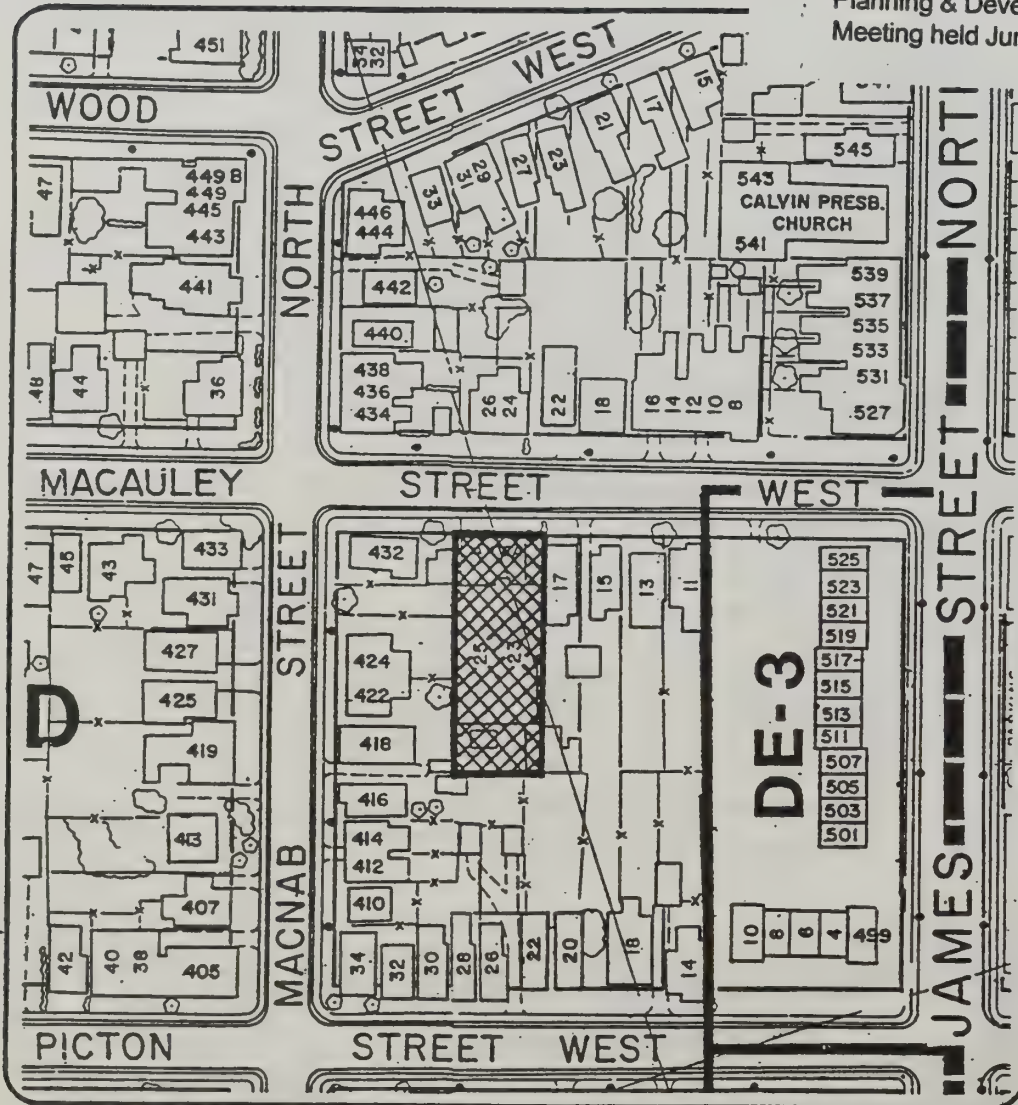
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Date
May, 2000

Technician:
JS

APPENDIX 'A'

Appendix "F" referred to
in Section 9 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "G" referred to
in Section 12 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.

**TAX INCENTIVE PROGRAM FOR DESIGNATED
COMMERCIAL/INDUSTRIAL BUILDINGS IN HANMILTON'S DOWNTOWN**

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial/industrial buildings located within area bounded by Queen Street, The Harbour, Victoria Avenue and the Escarpment, which are designated under the Ontario Heritage Act. The Program establishes a ten-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

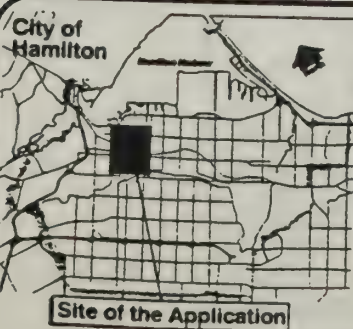
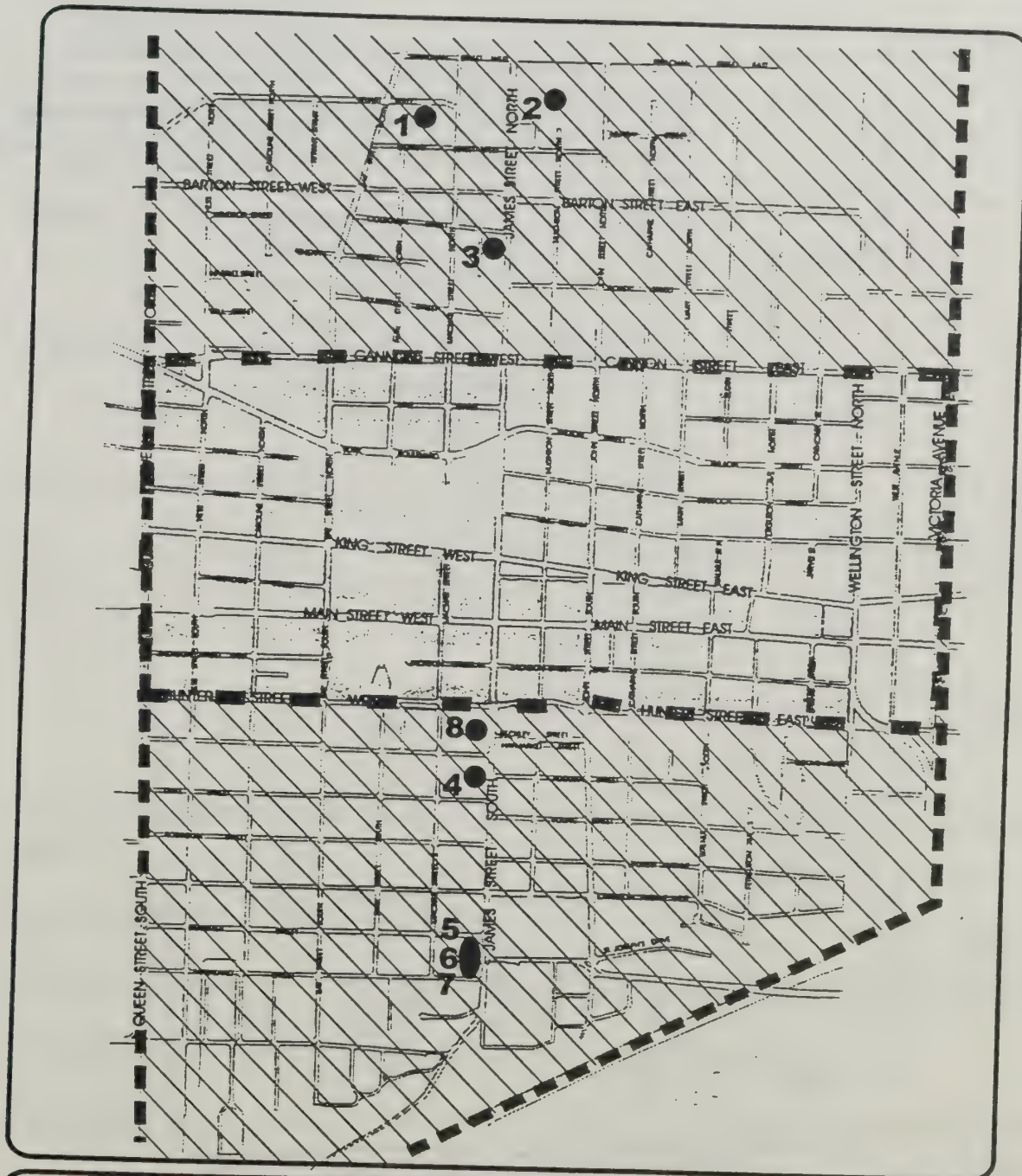
- The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;
- The building must be located within the boundaries of Queen Street, the Harbour, Victoria Avenue and the Escarpment;
- Application for this tax incentive will only be accepted after final approval of this program; and,
- If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

Requirements:

- The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;
- The property must be insured at replacement value;
- The property shall not be in property tax arrears;
- The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and
- The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

- Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.
- If a building is sold within this ten-year period, the tax incentive will continue with the new owner after the sale of the building.
- The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said ten-year period.
- The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.
- Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.
- The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

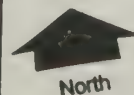


Tax Incentive Program
currently available
within the boundaries
of the Hamilton
Downtown Community
Improvement Area for
Designated
commercial/Industrial
buildings



Proposed Expansion of
Tax Incentive Program:

- 1 Custom House - 51 Stuart Street
- 2 CN Station - 360 James Street North
- 3 255-265 James Street North
- 4 158 James Street South
- 5 252 James Street South
- 6 262 James Street South
- 7 268 James Street South
- 8 124 MacNab Street South



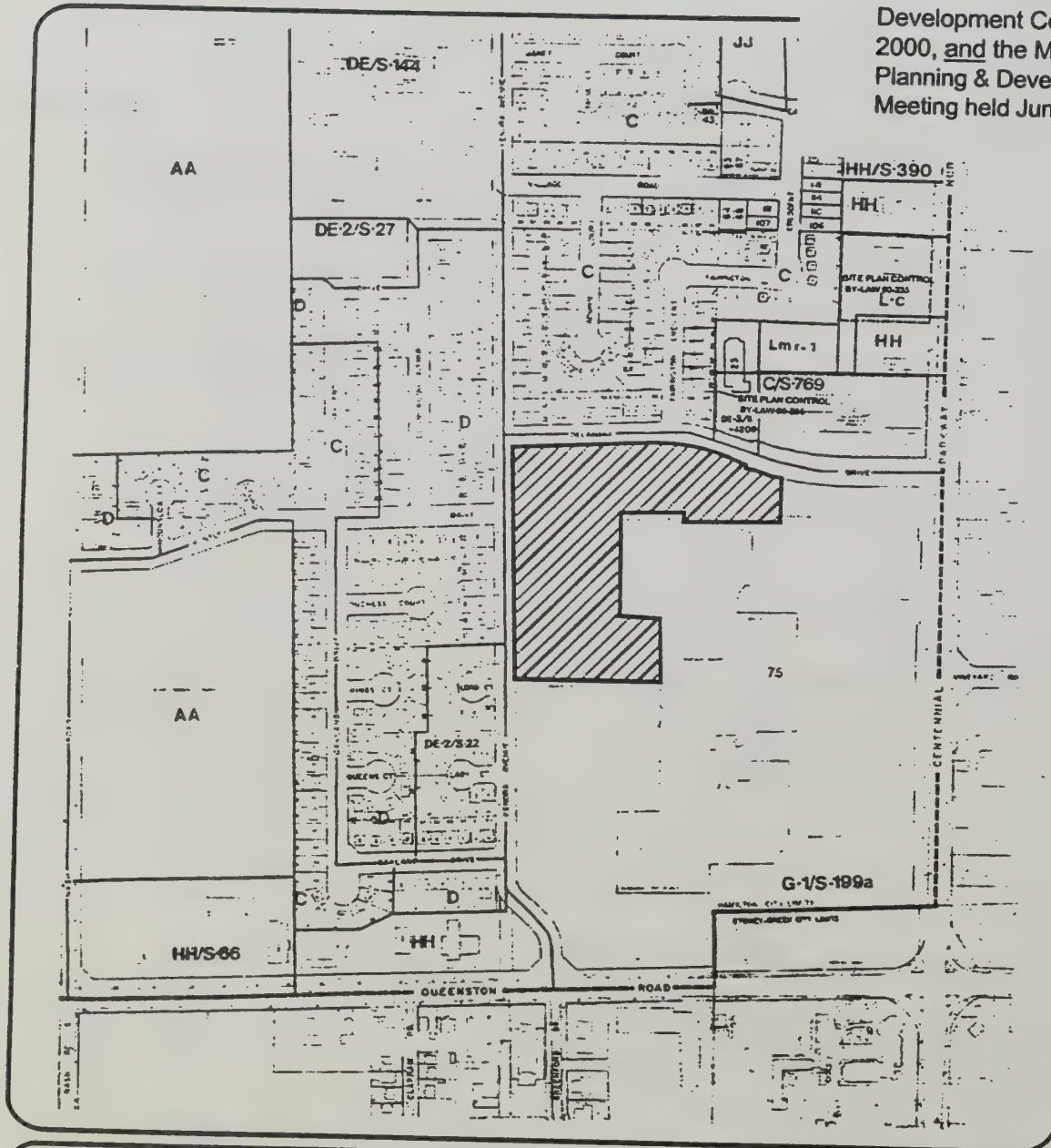
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Date
May 2000

Technician:
R.L.

Key Map

Appendix "H" referred to
in Section (i) of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



<p>Site of the Application</p> <p>City of Hamilton</p>	<p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p> <h2 style="text-align: center;">Location Map</h2>		
	<p style="text-align: center;">Legend</p>		<p>Reference file: DA-00-07</p>
	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <p>Site of the Application</p> </div>		<p>Scale Not to Scale</p>
			<p>Date Mar., 2000</p>
			<p>Technician: B. B.</p>
			<p>APPENDIX 'A'</p>

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 12 July, 2000


REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of: 12 – 14 Brantdale Avenue
00147870 - Tag Number
(99.1.1.A) (PDC-00127)

RECOMMENDATION:

That the Acting Director of Building be authorized to issue a demolition permit for 12 – 14 Brantdale Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: C (Map W-7)

PRESENT USE: semi-detached two family dwelling

PROPOSED USE: semi-detached two family dwelling

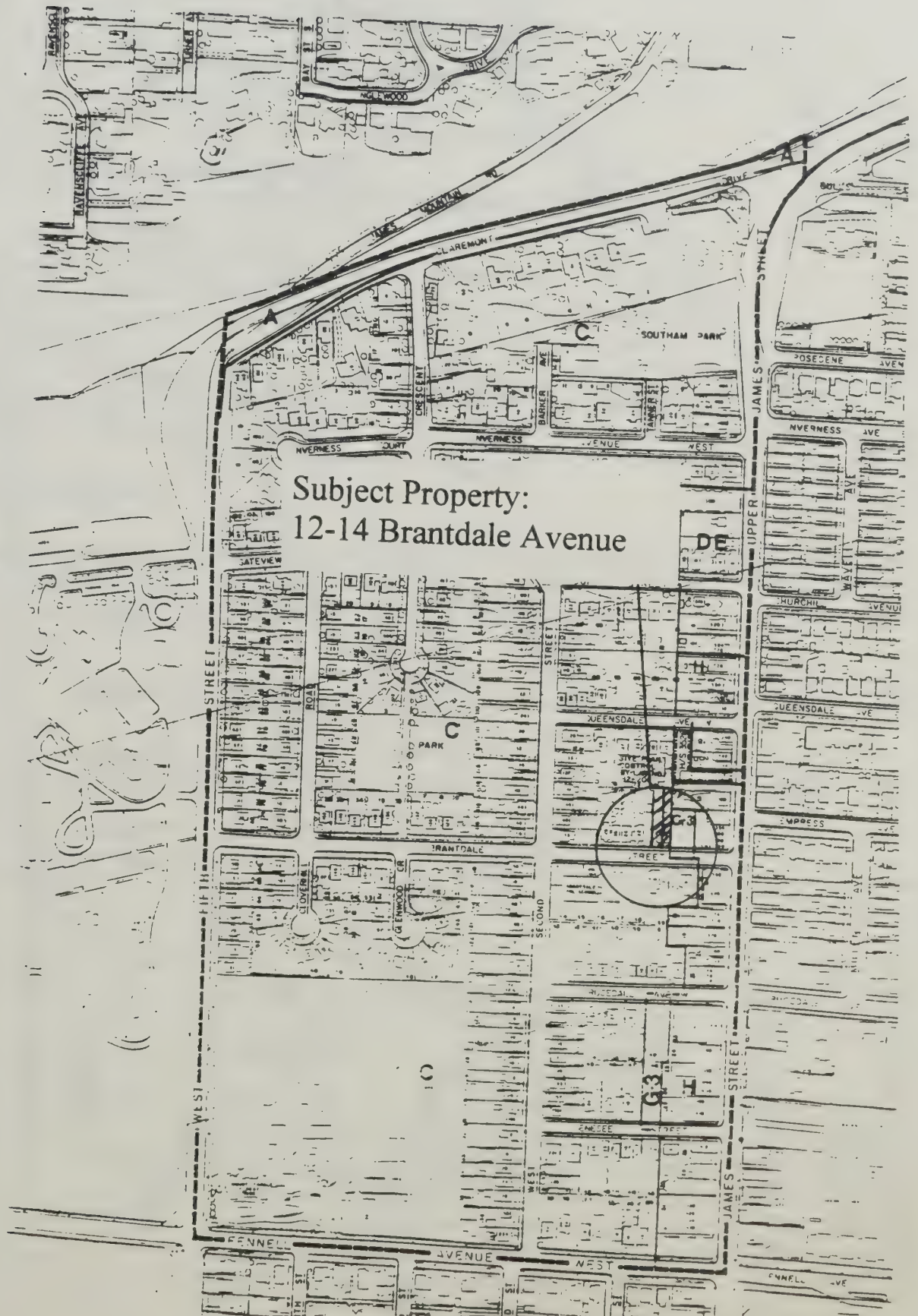
BRIEF DESCRIPTION: The owner proposes to demolish the semi-detached two family dwelling and rebuild a new semi-detached two family dwelling. An application (ZAC-00-09) to rezone the lands to a "D modified" district to permit a semi-detached two family dwelling has been submitted, however, as of this date, the application has not been finalized. The building permit application to replace the semi-detached two family dwelling has not been submitted as of this date. This property is in the Southam Neighbourhood and is located in Ward 8 (please see attached neighbourhood map and city overview map.)

No LACAC interest. Lot size 15.24m x 45.72m.

The owner of the property and applicant as per the demolition permit is:

Locane Holdings Inc.
550 Fennell Avenue East, Suite 221A
Hamilton, Ontario
L8V 4S9

 FP/fd
JR

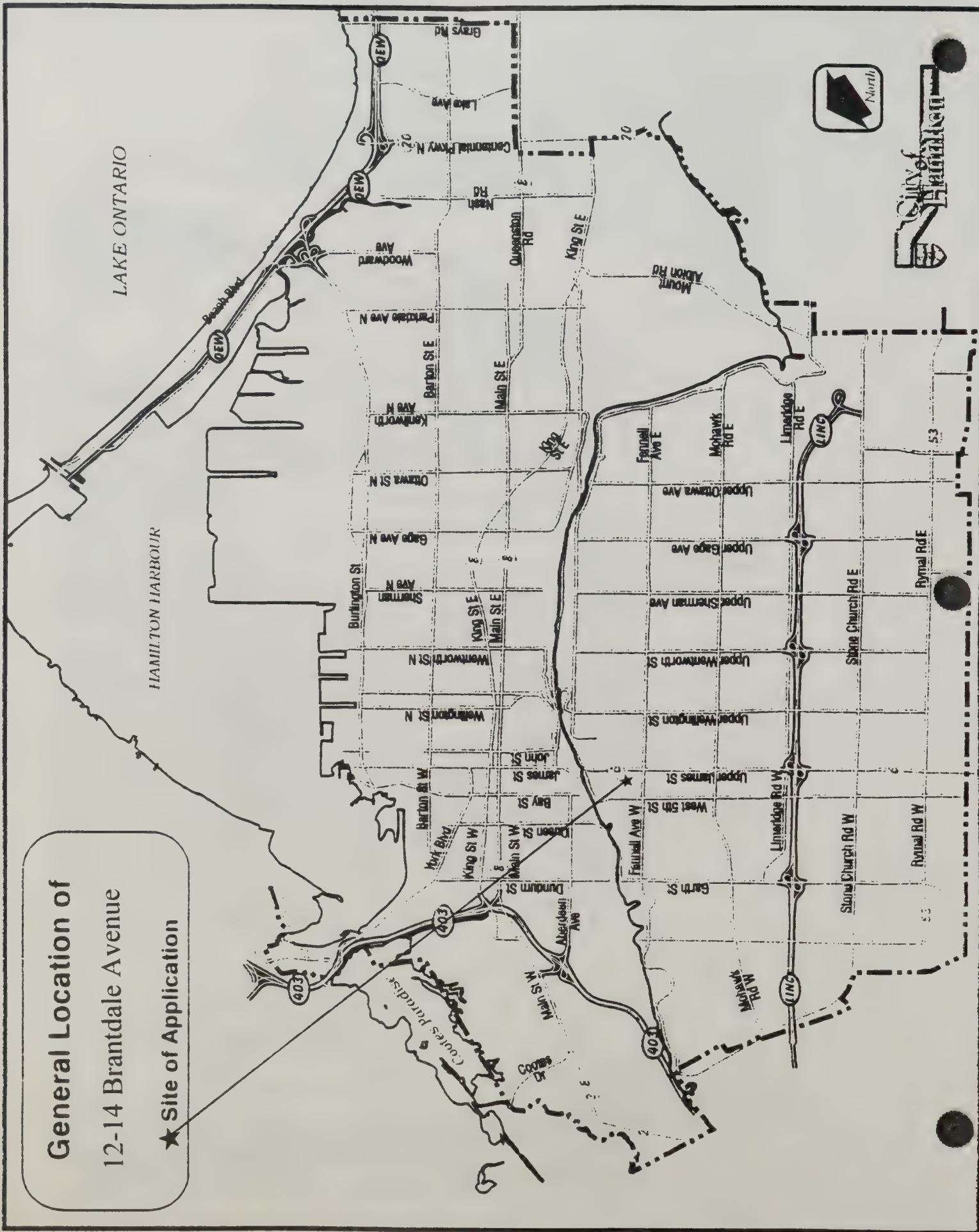


Subject Property:
12-14 Brantdale Avenue

General Location of

12-14 Brantdale Avenue

★ Site of Application



CITY OF HAMILTON
- RECOMMENDATION -

DATE: 12 July, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of: 1007 Upper James Street
00147863 - Tag Number
(99.1.1.A) (PDC-00128)

RECOMMENDATION:

That the Acting Director of Building be authorized to issue a demolition permit for 1007 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: HH (Map E-9A)

PRESENT USE: Commercial and Single Family Dwelling

PROPOSED USE: Commercial

BRIEF DESCRIPTION: The owner proposes to demolish the existing building which contains commercial on the ground floor and a single family dwelling on the second floor. The proposal is to merge the lands with the existing Toyota dealerships located on the adjacent property for a future expansion. This property is in the Greeningdon Neighbourhood and is located in Ward 7 (please see attached neighbourhood map and city overview map).

No LACAC interest. Lot size 19.51m x 60.96m.

The owner of the property and applicant as per the demolition permit is:

Upper James Toyota
999 Upper James Street
Hamilton, Ontario L9C 3A6

FP FP/fd

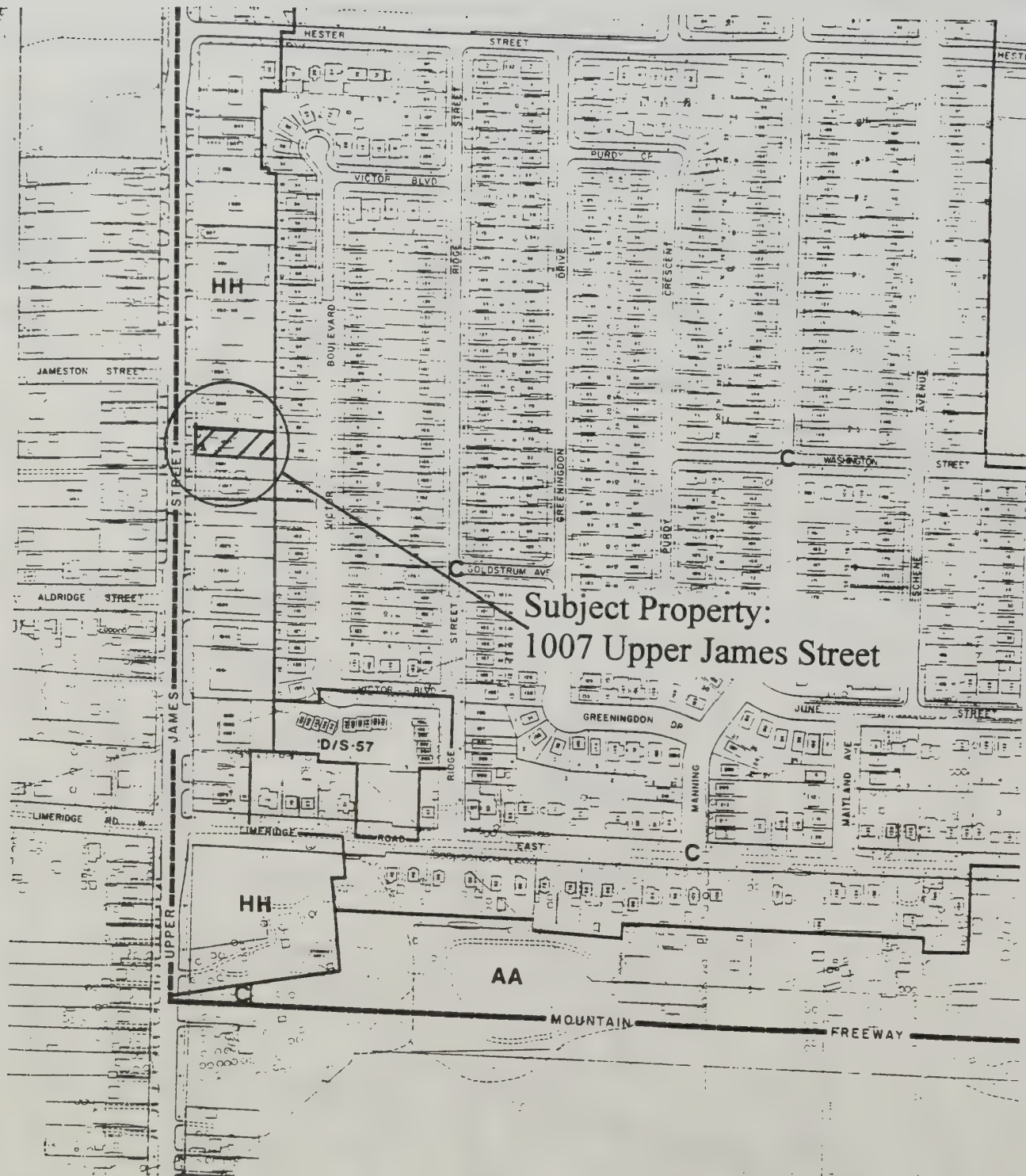


General Location of

1007 Upper James Street

★ Site of Application





Subject Property:
1007 Upper James Street

4.3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 24 July, 2000

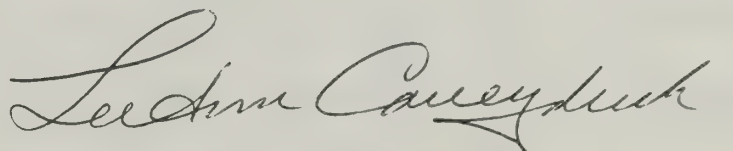
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of: 1472 Upper Gage Avenue
00147867 - Tag Number
(99.1.1.A) (PDC-00129)

RECOMMENDATION:

That the Acting Director of Building be authorized to issue a demolition permit for 1472 Upper Gage Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: C/AA

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwellings

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and create five (5) single family dwelling lots. An application (ZAR-00-16) to rezone the rear portion of the lands to a R-4 district has been submitted, however, as of this date, the application has not been finalized. This property is in the Eleanor Neighbourhood and is located in Ward 7 (please see attached neighbourhood map and city overview map).

No LACAC interest. Lot size 30.18m x 86.26m.

The owner of the property and applicant as per the demolition permit is:

Locane Holdings Inc.

550 Fennell Avenue East, Suite 221A

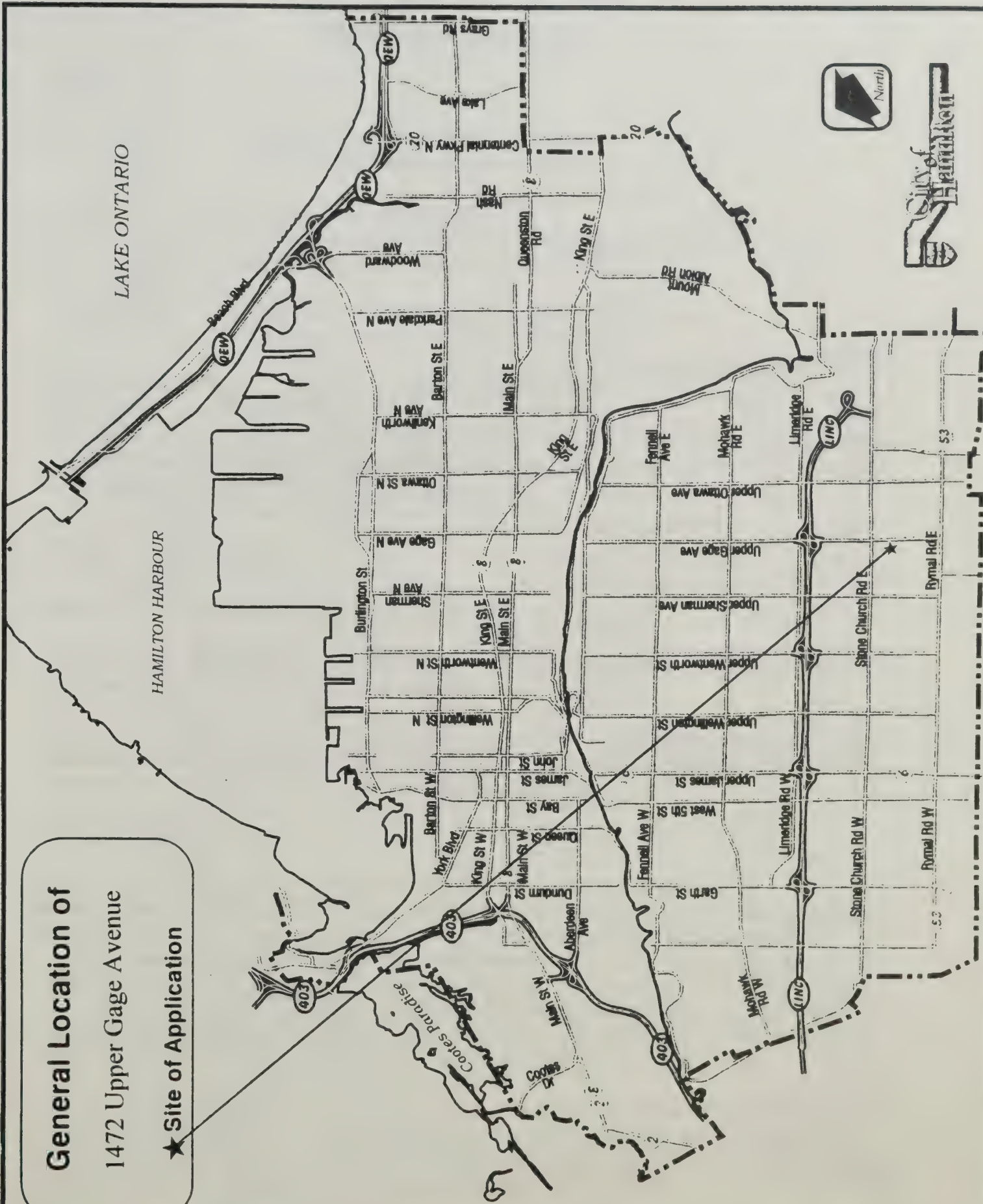
Hamilton, Ontario L8V 4S9

FP/fd
TC

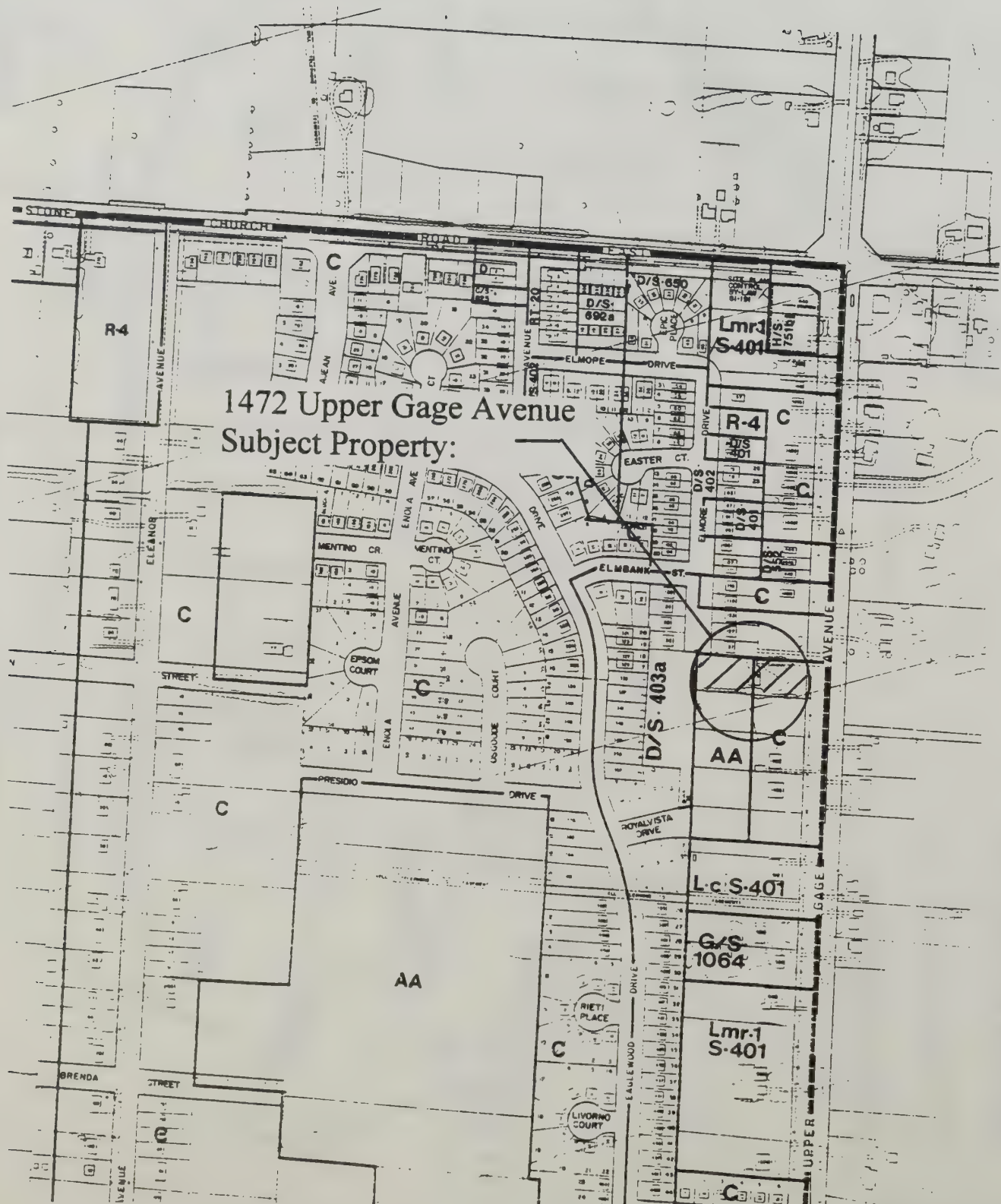
General Location of

1472 Upper Gage Avenue

★ Site of Application



1472 Upper Gage Avenue
Subject Property:



CITY OF HAMILTON

4.4

RECOMMENDATION

DATE: July 18, 2000

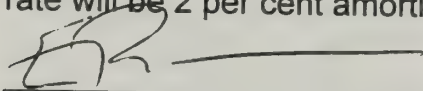
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Dr. Elizabeth Richardson,
Acting General Manager and Medical Officer of Health
Social and Public Health Services Division

SUBJECT: Hamilton Emergency Loan Program (H.E.L.P.)
157 Mead Avenue, Hamilton (HSB00012)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred dollars (\$1,800) be approved for Joan West, 157 Mead Avenue. The interest rate will be 2 per cent amortized over 5 years.



Dr. Elizabeth Richardson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of \$1,800 will be funded from the Hamilton Rehabilitation Assistance Program; the uncommitted balance of which is \$104,598.

Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

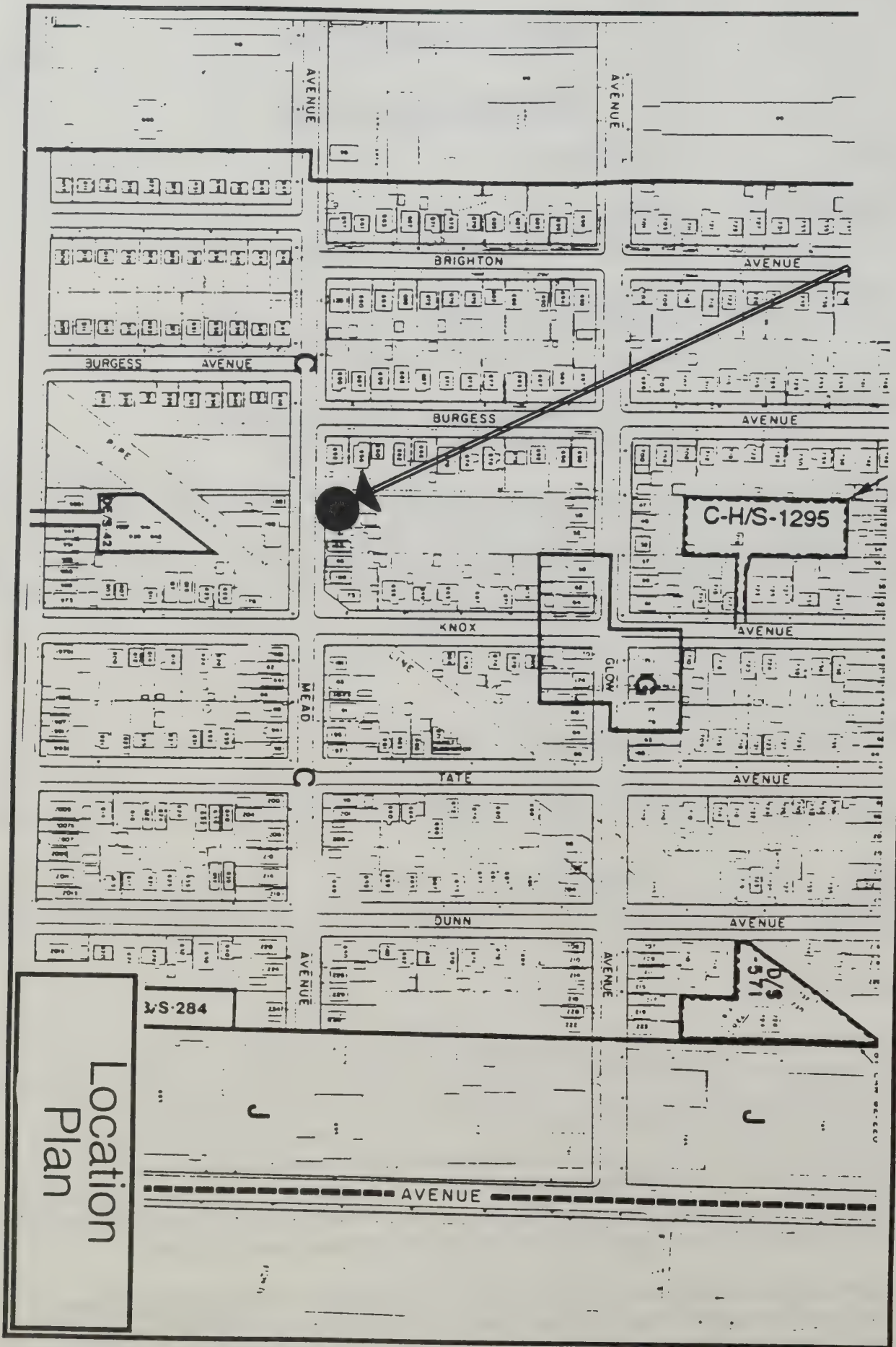
BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Program in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programs. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

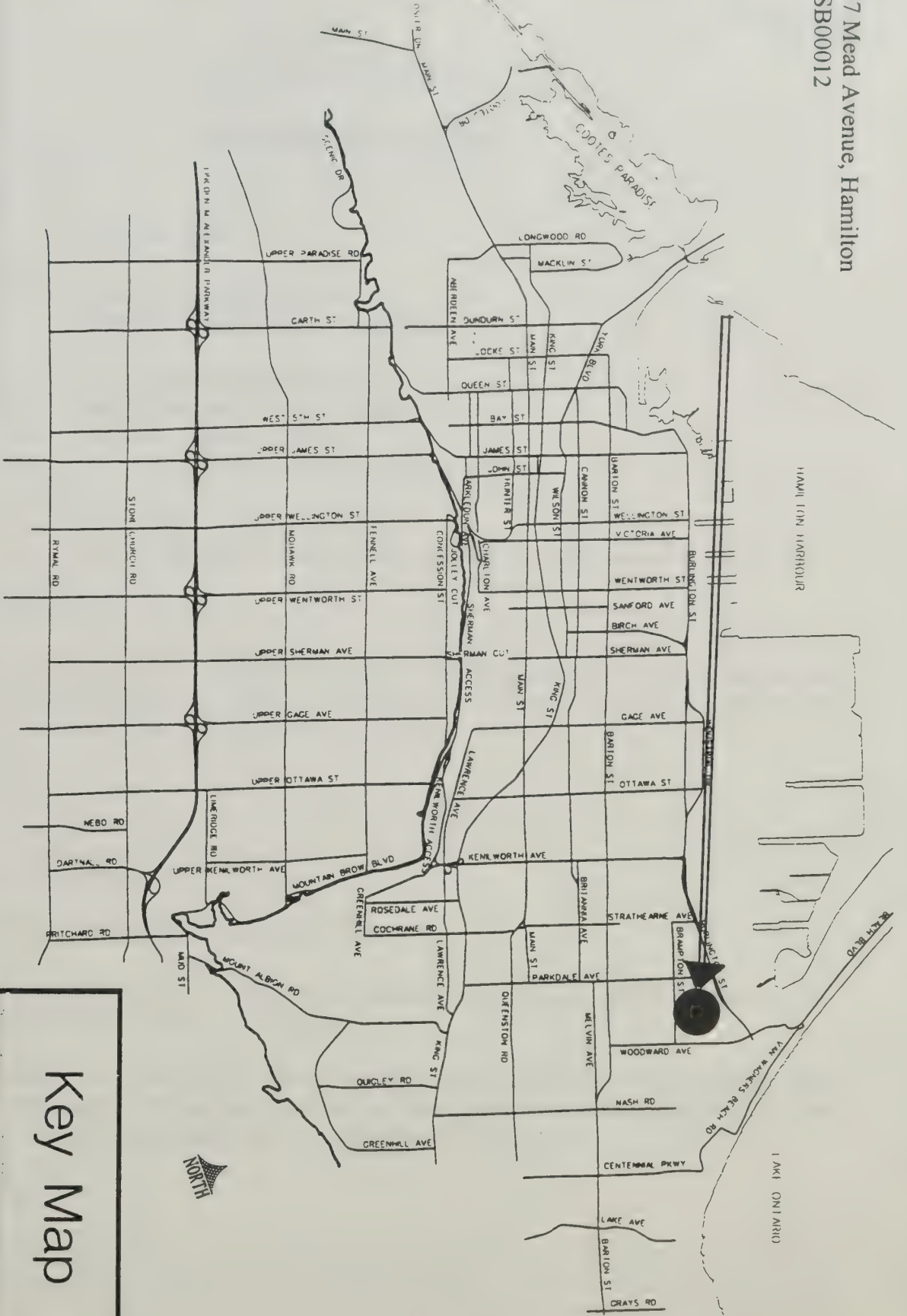
The Social and Public Health Services Division, Housing and Shelter Branch recently finalized an Emergency Loan for Joan West, 157 Mead Avenue, in the amount of \$1,800. The sewer blockage has been remedied and staff recommends approval in the amount of \$1,800 at 2% interest and amortized over five (5) years.

ER/MM/dk

c.c. R. Camani, Finance Department



157 Mead Avenue, Hamilton
HSB00012



Key Map

4.5

CITY OF HAMILTON

RECOMMENDATION

DATE: July 18, 2000

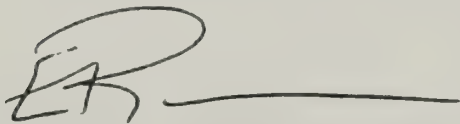
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Dr. Elizabeth Richardson
Acting General Manager and
Medical Officer of Health
Social and Public Health Services Division

SUBJECT: Core Heritage 2000 Program
197 – 199 King William Street, Hamilton (HSB00013)

RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of thirty-one thousand dollars (\$31,000) to Ferguson Station Inc., registered owner of 197-199 King William Street, be approved.



Dr. Elizabeth Richardson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$31,000 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$141,628.

Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

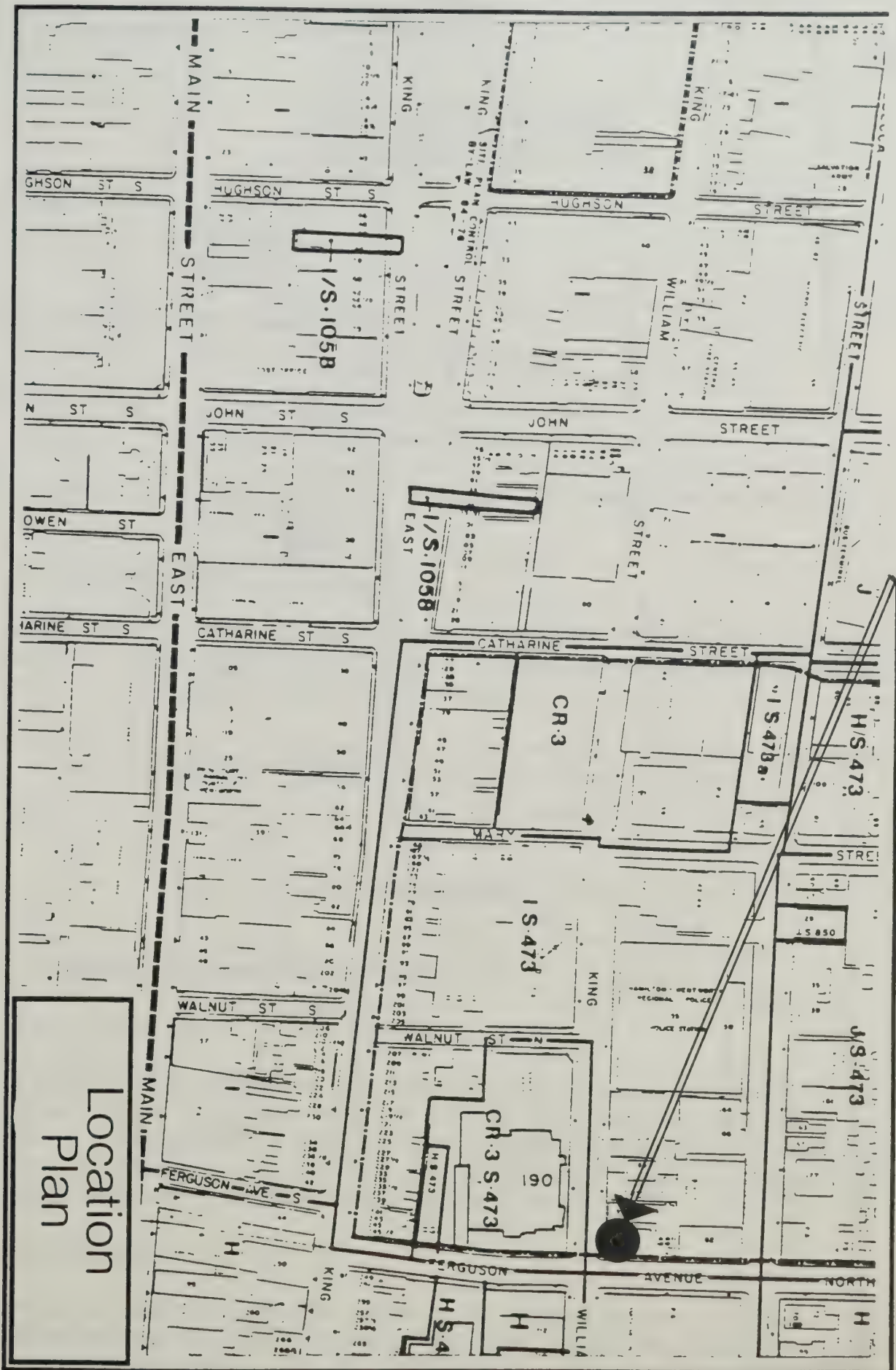
Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.

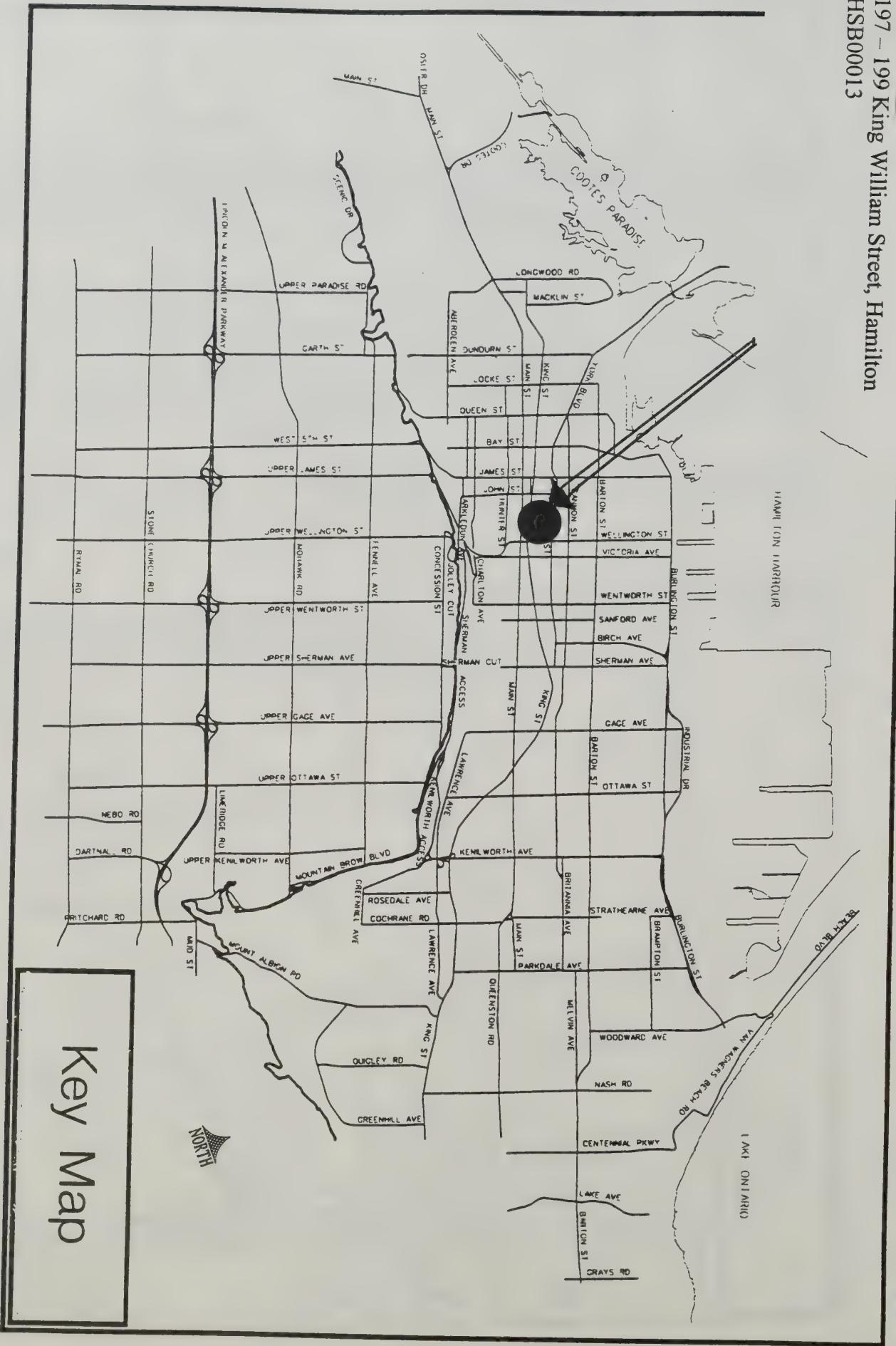
The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes the removal and replacement of exterior sheathing, exterior signage, lighting, awning/window/door replacement and painting.

On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of \$31,000.

ER/MM/dk

Cc R. Camani, Finance Division
 A. Gillespie, Planning and Development Department
 M.V. Mascarenhas, Housing and Shelter Branch





4.6

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: July 24, 2000
ZAC-99-36
Mountview Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

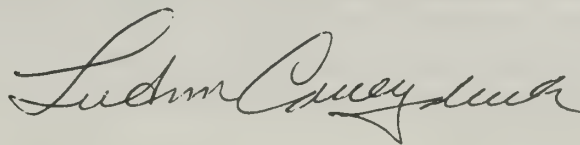
FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Revision to Council Resolution Regarding Zoning Application 99-36
(PDC00116(A))

RECOMMENDATION:

That Item 1.F. of the Twelfth Report of the Planning and Development Committee, as adopted by City Council on June 27, 2000, be amended to delete Subsection F.(k) be deleted in its entirety and replaced with the following:

"F.(k) That Block "14" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District."



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

In accordance with Section 34(17) of the Planning Act, Council may make a change to a proposed zoning by-law provided that Council has determined whether or not an additional public meeting is required. The proposed change to the Council adopted recommendation is minor in nature and is consistent with the proposed plan of subdivision "Scenic Park South" as approved by Council.

BACKGROUND:

Planning and Development Committee, at its meeting of June 21, 2000, approved Subdivision Application 99-04 "Scenic Park South" and Zoning Application 99-36 for zoning for lands located south of Chedmac Drive and east of Magnolia Drive in the

Mountview Neighbourhood. The recommendations of the Planning and Development Committee were adopted by City Council at its meeting of June 27, 2000.

The rezoning application identifies 16 blocks of land to be rezoned in accordance with the proposed plan of subdivision "Scenic Park South" (see APPENDICES "A" and "B"). Block 14 was identified as requiring a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District.

The applicant's surveyor has provided a detailed survey plan, based on the red-lined revised plan of subdivision, for the preparation of the Schedule "A" for the implementing zoning by-law. The purpose of the survey plan is to provide a legal description of each of the 16 blocks of land to be rezoned. Based on this plan, the correct proposed zoning change for Block 14 has been identified as being from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District. In accordance for the implementing zoning by-law to conform with the adopted Council recommendation based on the proposed plan of subdivision "Scenic Park South", then it is necessary to revise the Council recommendation of June 27, 2000 applicable to Block 14 only.

CONCLUSION:

The revision to City Council's resolution with respect to the proposed zoning changes is in accordance with Council's direction for the proposed subdivision for the subject lands. As such, the matter is minor in nature.

4.7

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

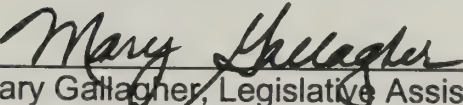
FROM: Mary L. Gallagher
Legislative Assistant
Local Architectural Conservation Advisory Committee

SUBJECT: Stinson Street School, 180 grant Avenue - Heritage Permit for
Exterior Alterations to 1915 Addition (PDC00131)

RECOMMENDATION:

That a Heritage Permit be approved for the following alterations to the 1915 rear building of Stinson Street School:

- a) Removal of the four exterior cloakroom staircases on the north, south, east and west facades; reconstruction of the foundation walls with rusticated stone ashlar to match existing;
- b) Conversion of four original doorways to windows; new windows will be identical to the new insulating glass sash replacement windows to replace all of the existing original wood sash windows (window replacement to be undertaken in 2001; subject to approval of a separate Heritage permit



Mary Gallagher, Legislative Assistant
Local Architectural Conservation Advisory Committee

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee (LACAC) at its meeting held on July 10, 2000 approved the above recommendation.

This recommendation does not require Transition Board Approval.

SUBJECT: Stinson Street School, 180 grant Avenue - Heritage Permit for Exterior Alterations to 1915 Addition - Page 2

In accordance with the provisions of Part IV of the Ontario Heritage Act, any alteration to a designated façade or feature requires Council approval through the Heritage Permit process. The exterior facades of both the original 1895 and later rear building are included in the Reasons for Designation. They are also protected by a Heritage Easement Agreement between the Hamilton Board of Education and the Corporation of the City of Hamilton.

The Board of Education is currently undertaking some interior renovations and exterior improvements to the 1915 building and the 1959 gymnasium addition linking the two buildings. Exterior work on the 1915 building includes the removal of four redundant exterior stone staircases (to be undertaken this year) and the replacement of all the original wood sash windows with identical energy-efficient windows fabricated of wood or aluminum (material yet to be determined; 2001 project).

The project architect, Richard Butterworth presented the proposed removal of the four staircases and doorways to LACAC's Research Sub-committee at its meeting held June 29 and requested comments on two options for permanently closing up each doorway:

OPTION 1: Retain the existing transom with a stone lintel and fill in the doorway with stone and brick masonry to match the existing wall.

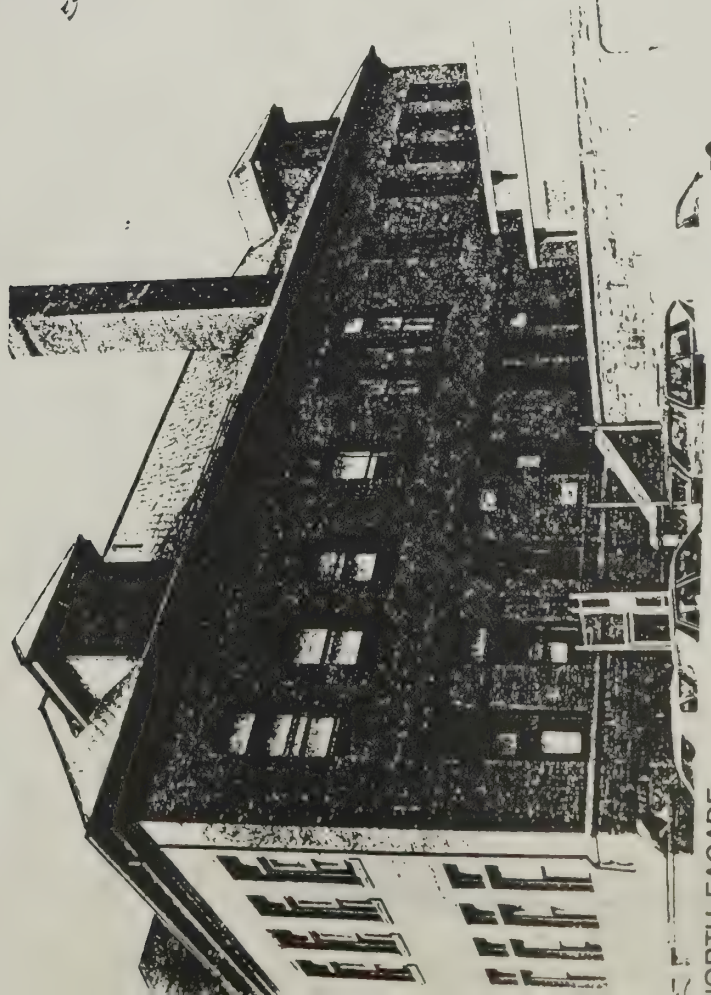
OPTION 2: Fill in the space below the continuous stone sill with reclaimed stone to match the existing; move the stone transom up to align with the adjacent window lintel and fill in the space below with a window to match the new windows (space to be temporarily boarded up until window replacement program is implemented next year).

The Research Sub-committee did not object to the removal of the redundant staircases but preferred Option 2 for aesthetic reasons.

NOTE: According to the architect, the original stone staircases were rebuilt to the same design in the 1940s with concrete stairs on stone foundations. They are now in very poor condition as a result of damage caused by salt applications every winter. As these staircases no longer serve their original purpose of providing direct outside access from the classrooms, the Board would like to remove them for safety reasons.

STINSON STREET SCHOOL

180 Grant Avenue
Hamilton, Ontario
SECOND BUILDING - 1915



NORTH FACADE



EAST FACADE

STINSON STREET SCHOOL

180 Grant Avenue
Hamilton, Ontario
SECOND BUILDING



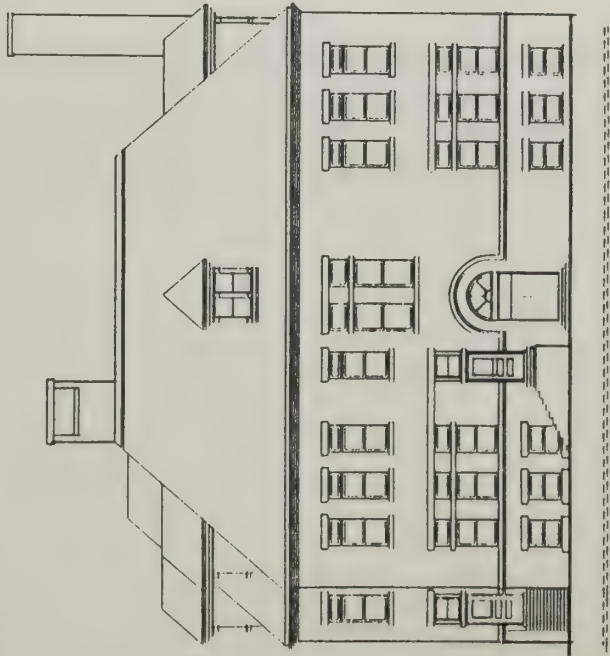
SOUTH FACADE



SOUTH FACADE



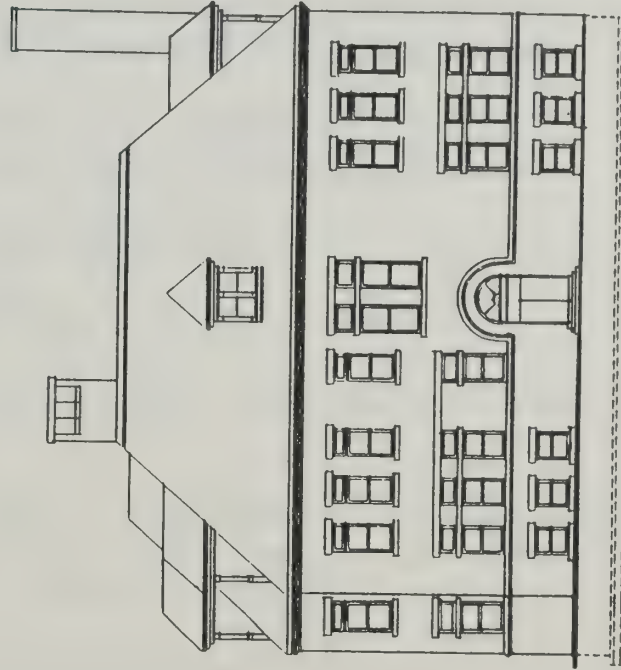
WEST FACADE



EXISTING

partial east elevation

Stinson Street School
Proposed Facade Changes
Addition
Hamilton Wentworth District School Board



PROPOSED CHANGE

RICHARD G. BUTTERWORTH • ARCHITECT • INC
Ancaster
Ontario

July 14, 2000

4.8

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 2, 2000

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, attached hereto, be received for information purposes:

- (a) Acting Commissioner, Department of Public Works and Traffic re: Conceptual Plan-Ferguson Avenue South Between Main Street East and King Street East (PWT00137), dated July 20, 2000.
- (b) General Manager, Community Planning and Development Division re: Draft Site Plan (Project Review) Process for Eastport (Piers 25,26 and 27) (PDC00137), dated August 1, 2000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Miller

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

(a)

CITY OF HAMILTON

- INFORMATION -

DATE: July 20, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: C. Guthro, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: **Conceptual Plan – Ferguson Avenue South between
Main Street East and King Street East (PWT00137)**

BACKGROUND:

The Transition Board's approval is not required for this report.

The Ferguson Avenue Master Plan was approved by City Council in its entirety on October 29th, 1996. The Plan sets the guidelines for the redevelopment of Ferguson Avenue from the escarpment to the bay.

City Council at its meeting held March 14th, 2000 approved the demolition of 244 King Street East with direction to staff to incorporate the lands into the redevelopment of Ferguson Avenue South between Main Street East and King Street East. Funding has been allocated to the implementation of the Ferguson Avenue Master Plan for this section of Ferguson Avenue in the amount of \$580,000 which is contained in account number COHAM 520003003.

Elements of the concept plan attached as Appendix 'A' include:

- Heritage Lighting.
- Ferguson Avenue Gateway Structure.
- Railway Influenced Wood Board Fence – area in front to be treated with miscellaneous railway industrial components i.e. rails, railway ties, locomotive parts etc.
- Stylized Railway Tracks – symbolizing the tracks that once occupied the corridor.
- Heritage Station Clock – antique styled clock that was often seen on railway platforms.
- Urban Parkette – shrubs, trees, flowerbeds, benches, litter containers.
- Paving Stone Corridor – bike and pedestrian lane designations with same material, colour and pattern of paving as other phases.

- Tourist Sign Pole – indicating directions to area attractions.
- Heritage Structure – designed to complement the railway theme on the site with shade and weather provisions. Open wall styling, decorative posts and translucent roof panels. Benches will be placed within the structure. Commercial opportunities i.e. vendor/concessionaire offering coffee and pastries will be considered.
- Heritage Railway Fixtures – miscellaneous features i.e. track switchers, signal lights, baggage carts all representative of items found in and around train stations.
- Planting Beds – providing a buffer between site and street.

The concept plan was presented to the Board of Management of the International Village B.I.A. at its meeting held June 22. The Board unanimously endorsed the concept plan and was particularly interested in the potential for the City of Hamilton to tender out for a vendor/concessionaire at the proposed heritage structure that will occupy the site of the former Ferguson Avenue train station. The International Village B.I.A.'s Board is also considering funding a mural depicting scenes occurring during the life span of the train station. The mural will be erected along the southeast edge of the City owned land within the corridor.

Staff also met with the owner of Shakespeare's restaurant who has wholeheartedly endorsed the concept plan.

Demolition of 244 King Street East and preparation work for the remainder of the redevelopment will occur this year with completion of the project anticipated for the Spring of 2001.

Charles Guthrie

HM:hm
Attachment

- c.c. Alderman A. Horwath, Ward Two
Alderman R. Corsini, Ward Two
P. Mason, Director Community Planning
E. Hess, Park Development and Maintenance
R. D'Angelo, Facilities

ERSON AVENUE

Shakespeare's Dining Lounge

Paving Stone Corridor

Peterson Gateway Structure:
 Newly released design for Hwy 6 & Highway Ave. N. - Phase 2 & 3 Complete
 by spring '99. Date finished by
 11/15/98

...the ...

Heritage Library
2123
asked a question to find out
if there is a copy of the
book at the library.

Upper Portals:
The upper portals are the main entrances to the building. They are located on the north and south sides of the building. The north side has two portals, and the south side has one. The portals are made of stone and have a decorative archway. The archway is made of stone and has a decorative pattern. The portals are made of stone and have a decorative archway. The archway is made of stone and has a decorative pattern.

Comptrol

Hybrid Highway Tractor:

Heritage Station Clock

Hartford Railway Features:
new coaches in best material, open type
seating and air circulation of large houses
in new express train stations.

JL Sound

Highway Park Structure:
Designed to accommodate the future plans for the site, this structure and transfer building, known as the "Big Red Barn," is a 100,000-sq-ft, 100-ft-tall structure with a large ramp and loading of surface parking lots. The structure is designed to be able to be used with the future plans for the site, including the future plans for the site.

Possible Mutual Opportunity

Touted Sign Pole:
 Another sign design industry
 designer is now offering to pro-
 vide all signage in London.

K I N G S T R E E T

CONCEPT PLAN

107	107
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FERGUSON AVENUE S.
(Between R. E. to 1000 S. E.)

THE UNIVERSITY OF CHICAGO

Handbook

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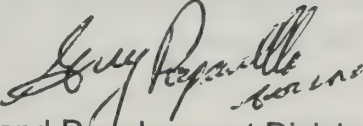
CITY OF HAMILTON

(b)

- INFORMATION -

DATE: August 1, 2000
CI-90-B

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager 
Community Planning and Development Division

SUBJECT: Draft Site Plan (Project Review) Process for Eastport (Piers 25, 26 and 27) (PDC00137)

BACKGROUND:

The City of Hamilton and the Hamilton Harbour Commissioners (HHC) are working towards finalizing an agreement to resolve many outstanding matters between the two parties. A key element is to place a "project review" or site plan control process for the area known as Eastport (Piers 25, 26 and 27). The agreement contemplates this process to be "substantially in accordance with the process adopted by the Port of Vancouver" (see APPENDIX "A" attached). A draft (see attached APPENDIX "B"), including Site Plan Guidelines, has been prepared by the City for consideration as part of the final agreement. It should be noted that a draft was forwarded to the solicitor for the Harbour Commissioners on July 27, 2000, but no response has been received to date.

REPORT:

The draft Project Review Process for Eastport, is proposed as a three stage process, as follows:

Stage 1

- a pre-consultation meeting with the HHC, the proponent and the City;
- submission of an application to the City in the normal manner of a Site Plan Control application;
- circulation of the application to the normal departments and agencies plus other agencies as deemed necessary (e.g. Ministry of Transportation, Ministry of the Environment, the Hamilton Region Conservation Authority);
- report prepared by City staff on the basis of the comments received (including the HHC's comments);
- report considered by the "Project Review Team" (PRT) which may request further information, advance the review to the next stage, or approve/deny the application; and,
- for minor projects, the Stage 1 review is adequate.

Stage 2

- those projects having an impact on the community (as identified in Stage 1) will be subject to a public information process in accordance with certain requirements;
- the proponent will also be required to prepare a detailed report to identify all significant aspects of the proposal and their impacts on the adjacent community (i.e. noise, views, traffic, etc.);
- the report will be considered by the City and the HHC and a report will be prepared for consideration of the PRT; and,
- the PRT may request additional information, advance the review to the next stage, or approve/reject the proposal.

Stage 3

- if the proposal advances to this stage, the HHC and City will select an independent project review panel to review the project and oversee additional public consultation; and,
- this panel will report its findings to the PRT that will either approve or reject the application.

For your information.

2. Eastport

- a) Further to the commitment of the City of Hamilton and HHC to the economic development of the region, the provision of jobs and the maintenance and enhancement of the environment, the parties will implement a project review process for Eastport substantially in accordance with the process adopted by the Port of Vancouver, per the attached Schedule 4, and the City of Hamilton agrees that such process shall be followed provided that the City of Hamilton shall, during the early stages of any development proposal, be given for review any such development proposal so that the City of Hamilton may provide recommendations with respect to matters that would otherwise be the subject of Site Plan Approval by the City of Hamilton including overall site design, siting of buildings, grading, access and landscaping. HHC agrees that in the event that the HHC refuses to accept and be bound by any final recommendation or decision of the project review process with respect to site plan control, HHC will not challenge the jurisdiction of the OMB to hear any appeal by the City of Hamilton regarding HHC's refusal to accept the site plan control recommendations coming out of the project review process, provided that (a) this process shall not derogate from the rights and immunities of HHC with respect to any land use restrictions imposed by the City of Hamilton or the project review process which attempt to prohibit or regulate the use of these lands for purposes of navigation and shipping and (b) provided that the City of Hamilton does not attempt to use site plan control requirements in a colorable manner to prevent development of Eastport. The parties adopt wholeheartedly a "Good Neighbour Policy".
- b) The HHC undertakes to develop the Eastport lands by incorporating an increased level of berming, vegetation and quality landscaping, either independently or in concert with port tenants. In aid of this objective, HHC agrees to spend an additional \$50,000 annually, over and above its current capital expenditure budget, to be reviewed after 5 years.
- c) The HHC shall develop a second public parkette along Eastport for harbour viewing purposes and both parkettes shall be publicly accessible.
- d) The parties agree to adopt a higher standard of landscaping and improved aesthetic developments on Eastport, including reasonable view protection guidelines having regard to the best practices adopted by other port authorities in Canada.

e)

All of the above contemplated improvements shall be presented as a component of a master development plan, complete with visuals, costing and staging to be presented to the public for comment and consideration. Nothing herein is intended to derogate from and nothing herein shall be construed as derogating from the provisions of section 48 of the *Canada Marine Act*, in respect of land-use plans of port authorities.

**PROJECT REVIEW PROCESS
EASTPORT**

DRAFT

July 31st, 2000

Preamble

In accordance with the agreement between the City of Hamilton and the Hamilton Harbour Commissioners of August 18, 2000, the following represents the mutual goals and objectives of the City and the HHC:

- Further to the commitment of the City of Hamilton and the Hamilton Harbour Commissioners to the economic development of the region, the provision of jobs and the maintenance and enhancement of the environment, a project review process for Eastport will be implemented;
- The HHC will develop the lands by incorporating an increased level of berming, vegetation and quality landscaping;
- The HHC will develop a second public parkette along Eastport for harbour viewing purposes and both parkettes shall be public accessible;
- A higher standard of landscaping and improved aesthetic developments on Eastport, including reasonable view protection guidelines having regard to the best practices
 - i) To ensure that sites are developed in an aesthetically pleasing manner while recognizing that many users / occupants of the site may desire and require high and attractive visibility from the Q.E.W. and Eastport Drive.
 - ii) To visually enhance the industrial nature of the Eastport lands from the Q.E.W., Eastport Drive, Eastport Boulevard and publicly accessible lands.

The Project Review Process

The Project Review Process has been developed to provide details of the procedures for applicants to follow to obtain approval for developments subject to the Site Plan Control in the Eastport. Appendix "C" is a draft of the Site Plan Control By-law to be passed by the City and defines the area to be subject to the Project Review Process.

PROJECT REVIEW PROCESS OF EASTPORT (PIERS 25 TO 27) LANDS

STAGE 1

1. Preconsultation Meeting:

- HHC staff meets with applicant to discuss the proposal. Any initial or preliminary plans are forwarded to City for preliminary review and comments to HHC
- City and HHC staff may meet to review the proposal to identify any potential issues.
- Preliminary comments provided to the HHC who would respond to the applicant

2. Application:

- The proponent submits an application to the City of Hamilton (Land Development Department, Community Planning and Development Division) in accordance with the City's standard Site Plan Control application form (see Appendix "A" attached), with the required information and the application fee
- Information provided on the application must be in accordance with the approved Site Plan Guidelines for the Eastport (see Appendix "B" attached).
- The HHC will require all tenants and purchasers, as a condition of lease or sale, to agree to comply with the Project Review Process and, to implement at the applicant's expense, the requirements of the site plan approval

3. Circulation:

- The City circulates the application and plans to the various City/Region Departments for review and requests Hamilton Harbour Commission for comments. Circulation to include Planning, Building, Traffic, and Roads. Plans may also be circulated to other agencies as deemed necessary: MTO, MOE, and Conservation Authority.

Applicable regulations (for Site Plan Review processing):

- 1) Site Plan Guidelines for Eastport as detailed in Appendix "B" and in accordance with the following parameters:
 - Further to the commitment of the City of Hamilton and the Hamilton Harbour Commissioners to the economic development of the region, the provision of jobs and the maintenance and enhancement of the environment, a project review process for Eastport will be implemented;
 - The HHC will develop the lands by incorporating an increased level of berming, vegetation and quality landscaping;

- The HHC will develop a second public parkette along Eastport for harbour viewing purposes and both parkettes shall be public accessible;
 - A higher standard of landscaping and improved aesthetic developments on Eastport, including reasonable view protection guidelines having regard to the best practices:
 - a) To ensure that sites are developed in an aesthetically pleasing manner while recognizing that many users / occupants of the site may desire and require high and attractive visibility from the Q.E.W. and Eastport Drive.
 - b) To visually enhance the industrial nature of the Eastport lands from the Q.E.W., Eastport Drive, Eastport Boulevard and publicly accessible lands.
- 2) Zoning “F-4” District and “F-4 District modified regulations.
 - 3) Hamilton Harbour Commissioners’ Land Use and Development By-Law No. 114.
 - 4) The Ontario Building Code
 - 5) The requirements of the Ontario Ministry of Transportation.
 - 6) The applicable regulations of the Hamilton Region Conservation Authority.

4. Review and Preparation of Report

City staff reviews all comments from circulated Departments and agencies and prepares report to Project Review Team (PRT).

5. Project Review Team Meeting

Project Review Team meets to review City report and comments from HHC and make decision on report.

The Project Review Team may:

- a) Request further information;
- b) Advance the review to the next stage; or,
- c) Approval or rejection. ⁽¹⁾

All applications must go through at least Stage 1.

For most minor projects, the Stage 1 review is adequate.

STAGE 2

If a potential impact on the community is identified in STAGE 1, the proponent will be required, in consultation with the City and the HHC, to undertake a public information program which includes: appropriate notification (either mail or newspaper) of a public meeting/open house, displays, contact personnel, and conduct an open house/public meeting.

The PRT will require the proponent to prepare a detailed report to identify all significant aspects of the proposal and their potential impacts on the adjacent community (e.g. views, landscaping and screening, traffic, noise, economic impacts). This report will be submitted to the City and the HHC for review. The City will circulate to any impacted Departments and agencies. All comments will be presented to the PRT for their consideration.

The PRT may:

- Request additional information;
- Advance the review process to the next stage; or,
- Approve/reject the application. ⁽¹⁾

STAGE 3

If the application proceeds to Stage 3, the HHC in consultation with the City, will select an independent project review panel to review the project and oversee additional public consultation. The panel will determine the form of public input and will report its findings to the PRT who will either approve or reject the application. ⁽¹⁾

FINALIZATION OF PLANS

Applicant will finalize plans to include any conditions of approval of the PRT, if required, and submits to the City and the HHC.

The applicant must ensure that conditions of approval, if any, are fulfilled and must advise the City and the HHC that they have been completed.

- Plans must be incorporated into HHC Lease Agreement and incorporated into the City's Site Plan Control Agreement entered into with the HHC.

- The City forwards final plans to appropriate departments and agencies (HHC, Building, Planning, and any other required department or agency)
-

- (1) The HHC agrees that in the event that the HHC refuses to accept and be bound by an final recommendation or decision of the project review process with respect to site plan control, HHC will not challenge the jurisdiction of the OMB to hear any appeal by the City of Hamilton regarding the HHC's refusal to accept the site plan control recommendations coming out of the project review process, provided that:
 - (a) this process shall not derogate from the rights and immunities of HHC with respect to any land use restrictions imposed by the City of Hamilton or the project review process which attempt to prohibit or regulate the use of these lands for purposes of navigation and shipping; and,
 - (b) provided that the City of Hamilton does not attempt to use site plan control requirements in a colorable manner to prevent development of Eastport.

THE CORPORATION OF THE CITY OF HAMILTON

SITE PLAN CONTROL

APPENDIX "A" to Project Review Process

A. Procedure for Application for Approval of Plans and Drawings Pursuant to Section 41 of the Planning Act, R.S.O., 1990 and City of Hamilton By-laws No. 87-150, 87-223 and 98-173

1. Submit application by completing the attached forms, together with the following:

- (a) FIVE (5) copies of a Survey Plan of the site (folded legal size);
- (b) NINE (9) sets of development plans to include (folded legal size):
 - Site Plan
 - Grading Plan
 - Landscape Plan
 - Elevations
 - Site Location Map
 - Any other required plans marked "FOR INFORMATION ONLY".
- (c) - ONE (1) copy of the site plan reduced to 11" x 17".

NOTE: • ALL PLANS MUST BE FOLDED WITH MAXIMUM SIZE OF 8 1/2" x 14" (LEGAL SIZE) AND IN SEPARATE SETS.

- (d) ONE (1) rendered set of building elevations.

2. A fee of \$3,075 is required to be submitted with each new Site Plan Application and a fee of \$1,130 is required for an application dealing with a revision to an approved site plan agreement, a fee of \$1,130 for preliminary review, and a fee of \$310 for exemption requests (effective July 1, 1999, subject to revision). All fees must be made payable to the Treasurer of the City of Hamilton.

3. Plans are required to be prepared and stamped by qualified professionals.

Where development includes structures and/or buildings submitted for approval under Site Plan Control, and being consistent with the Ontario Building Code, and the Ontario Architects Act, the Plans must be prepared and stamped by an architect or engineer, except for minor projects determined by the Director, Land Development Department, Community Planning and Development Division.

Where development includes Grading and Landscape Plans submitted for approval under Site Plan Control, the plans must be prepared and stamped by a qualified professional architect, engineer, or landscape architect, except for minor projects determined by the Director, Land Development Department, Community Planning and Development Division.

4. Plans not fully completed may be returned to the applicant for resubmission. It is the applicant's responsibility to identify any proposed zoning by-law variances.
5. After approval, seven (7) copies of the approved final plans must be submitted to the Community Planning and Development Division, Land Development Department, 7th Floor City Hall. Upon finalization of the application and conditions of approval, the plans will be distributed to the owner, Community Planning and Development Division (Building), Department of Public Works and Traffic, Community Planning and Development Division, (Development Engineering Section), Regional Transportation, Operations and Environment Division, together with the signed Site Plan Agreement.
6. Securities for the exterior site works of the project will be required. Information concerning the details of the securities are contained within the attached Site Plan Agreement. Particulars as to the amount of the securities can be obtained by calling the Community Planning and Development Division, (Development Engineering Section [546-2434] and Development Planning [546-4221]).
7. The owner/prospective owner will be required to execute a Site Plan Agreement, and an Easement Agreement allowing the City of Hamilton, and its agents, to enter the subject lands. The Site Plan and Easement Agreements will be prepared and registered on title by the City. The cost of registration will be the sole expense of the owner/prospective owner. The owner/prospective owner shall also instruct its lawyer to provide the City with a Lawyer's Certificate in a form satisfactory to the City of Hamilton/Region of Hamilton-Wentworth Legal Services.

8. Plans may be returned to the applicant, or delays in processing of the application may occur, if all the information as outlined under "Plan Requirements" are not provided on the plans submitted.
9. The owner may be required to meet financial requirements of the City and the Region, such as, but not limited to the following:
 - Development charge per unit (City and Region) - contact Community Planning and Development Division (Building);
 - 5% cash-in-lieu of parkland dedication (City) - contact Community Planning and Development Division (Land Development Department);
 - Local improvement charges (Region) - contact Regional Finance Department; and
 - Local improvement charges (City) - contact City Treasury Department.
10. The agent or applicant must make reference to the application number when the application has been submitted in all correspondence and communications. Response to any inquiries may be delayed without this number.

NOTE:

DURING THE PREPARATION OF THE PLANS, THE APPLICANT SHOULD CONSULT THE VARIOUS DEPARTMENTS INVOLVED IN THE PLAN REVIEW PROCESS, TO ENSURE THAT MUNICIPAL REQUIREMENTS ARE SATISFIED AND INCORPORATED IN THE PLANS WHEN THE APPLICATION IS MADE.

(a) For matters dealing with traffic, parking and access ramps, consult with:

Department of Public Works and Traffic
1st Floor City Hall
71 Main St. West
Hamilton, Ontario
L8P 4Y5

Telephone: (905) 546-4583

(b) For matters dealing with zoning, demolition, building permits, consult with:

Community Planning and Development Division (Building)
3rd Floor City Hall
71 Main St. West
Hamilton, Ontario
L8P 4Y5

Telephone: (905) 546-2720

(c) For matters dealing with the landscaping and the site plan, consult with:

Community Planning and Development Division, Land Development Department
(Development Planning)
7th Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Telephone: (905) 546-4221

(d) For matters dealing with road widenings and road allowance, encroachments consult with:

Regional Transportation, Operations and Environment Division (Roads Division)
77 James Street North, Suite 320
(Hamilton Eaton's Centre, 3rd Floor)
Hamilton, Ontario
L8R 2K3

Telephone: (905) 546-4278

(e) For matters dealing with site drainage consult with:

Community Planning and Development Division (Development Engineering Section)
City Hall 6th Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Telephone: (905) 546-4142

(f) For matters dealing with lighting plan for Public Parking Lots consult with:

Regional Transportation Operations and Environment Division
 77 James Street North, Suite 320
 (Hamilton Eaton's Centre, 3rd Floor)
 Hamilton, Ontario
 L8R 2K3 Telephone: (905) 546-4686

SITE PLAN CONTROL REQUIREMENTS**B. Plan Requirements for Approval of Plans and Drawings Pursuant to Section 41 of the Planning Act, R.S.O., 1990****1. Survey Plan (metric scale) by O.L.S. showing:**

- Net lot area in metric measure
- The property and its bearings, dimensions, stakes, etc.
- Location and size of existing watermain, Hydro poles, Bell vaults, etc.
- Location and type of closest existing fire hydrants (information available from Regional Transportation Operations and Environmental Division, Road Division)

2. Site Location Map

The applicant shall provide a Site Location Map outlining the subject development property in the form of the City Neighbourhood Plan which can be obtained from the Community Planning and Development Division, Land Development Department.

3. Site Plan

Details of Development: (data to be listed on plan)

Net lot Area _____ m²

Building Coverage (max.) _____ m² (for Commercial Dev.)

Gross Floor Area (max.) _____ m² (for Commercial or Apartment Dev.)

Building Height (max.) _____ m
 (max.) _____ storeys

No. of units (max.) _____ (If Residential)

No. of Parking Spaces (min.) _____

No. of Loading Spaces (min.) _____

Landscaped Area (min.) _____ m²

The Site Plan showing:

- Property boundaries
- Front, side, rear lot lines (designated)
- Location of existing and proposed buildings, hydro poles/vaults, etc.
- Location or outline of existing buildings on adjacent properties
- Ground floor elevation of buildings and units
- Location and type of closest fire hydrant, existing and proposed
- Traffic circulation and Fire Route signs

- *Maximum dimensions of buildings (e.g. 4 m max.)
- *Minimum yard requirements (front, side, rear) (e.g. 6 m min.)
- *Minimum distances between buildings (e.g. 3.5 m min.)

***NOTE:** PLEASE ENSURE ALL DIMENSIONS ARE SUFFICIENT TO ALLOW MINOR CHANGES AS MAY BE NECESSARY

- Roadways, driveways, parking area layout, and ramps showing minimum dimensions. (e.g. 6 m min.; 2.7 m min. - typical)
- Building Blocks to be numbered with number of units, such as:

**BUILDING NO. 2
FOUR DWELLING UNITS**

- Location of any interior walkways, stairs, escalators, building entrances
- The design must incorporate barrier free access features and designated parking facilities
- Interior amenity areas
- North arrow (The drawing must be oriented to have a vertical north line or as closely as possible)
- Scale (in metric) 1:50; 1:100; 1:200; 1:400; 1:500
- See Part "A" Note #3 - "Stamp" and Part "B" Note #10 - "Site Plan Notes"

NOTE: INCOMPLETE PLANS MAY BE RETURNED RESULTING IN DELAYS OF PROCEDURE - PLEASE ENSURE ALL INFORMATION IS INCLUDED AND ALL PRINTING IS CLEAR AND LEGIBLE.

4. Grading Plan

- (a) Plan must be in metric scale - preferably 1:400 or larger, detailing all proposed surface features.
- (b) Existing detail required:
 - i) All road elevations at centre line and road edge at 15 m intervals.
 - ii) Sidewalk elevations - if existing, at 15 m intervals.
 - iii) All lot corner elevations plus maximum 15 m square grid internally (including 15 m internal profile along all property limits) in addition to sidewalk profile.
 - iv) Major grade change elevations
 - v) Sufficient grades external to the site, chosen to be representative of the drainage pattern adjacent to and surrounding the lands being developed
 - vi) Any existing drainage courses
- (c) Proposed detail required:
 - i) Property corner and intermediate lot line elevations (especially at the approaches)
 - ii) Ground elevations at all building corners as well as at all special points
 - iii) Elevation of all swales or ditches
 - iv) Top elevation of catch basins
 - v) Directional arrows which conform to the proposed elevations

- vi) Elevations of individual internal driveways where a depressed garage exists
 - vii) Typical cross-section of interior drives
 - viii) Where sidewalks are to be installed internally, an additional cross-section typical of individual driveway approaches (i.e. perpendicular to centreline of interior drives as opposed to individual driveway) is required.
 - ix) Any existing drainage courses traversing the site must be resolved with the proposed development.
 - x) Incorporate barrier free access design features.
- (d) Legend detailing all symbols used, e.g. catch basins, retaining walls, road, property line, building line, existing and proposed elevations.
- (e) All elevations should be shown as follows:
- i) Existing 797.3
 - ii) Proposed (797.3)
 - iii) If proposed and existing are the same, use "existing" method to show this on plan.
- (f) Drainage must remain internal to the site unless otherwise approved by the Director, Land Development Department, Community Planning and Development Division, (Development Engineering Section).
- (g) Every parking area, where storm sewers are available, shall be drained by catch basins and storm water yard sewers as follows:
1. Parking areas with less than 500 m² shall be drained as directed by the Director, Land Development Department, Community Planning and Development Division (Development Engineering Section).
 2. Parking areas with grass surfaces shall be drained as directed by the Director, Land Development Department, Community Planning and Development Division, (Development Engineering Section).
 3. Parking areas with all other surfaces and larger than 500 m² shall have at least one catch basin for each 500 to 1,000 m² unless designated by a Professional Engineer, and approved by the Director, Land Development Department, Community Planning and Development Division (Development Engineering Section).
- (h) All elevations must be to Geodetic Datum.
- (i) Location and type of fire hydrants existing and proposed.
- (j) See Part "A" Note #3 "Stamp" and Part "B" #10 "Grading Notes".

5. Landscape Plan

To show the landscape treatment of the project including:

- Location of all proposed plant material, planting beds and sodded areas, and other surface treatments
- Location of existing vegetation to be retained or removed
- Location of existing or proposed trees (species and diameter) and vegetation on the adjacent road allowance
- Location of existing and proposed fire hydrants
- Location of traffic signs
- Plant list showing index, name, size, quantity, etc.
- Location of pathways, play areas, special activity areas, open space area, and interior walkways, stairs, escalators, activity areas, building entr

- Location and treatment of garbage collection areas
- Curbing and wheel stops
- Incorporation of barrier free access design features
- Fencing, including privacy fencing or screening
- Listing of play equipment (if applicable)
- See Part "A" Note #3 "Stamp" and Part "B" Note #10 "Landscape Notes"

6. **Building Elevations** (4 sides of the proposed structures)

- To show the overall design of the proposed structure or ground sign.
- Include elevations of adjacent buildings along the street.
- Front, side and rear elevations of a typical building Block showing generally the material to be used (e.g. brick, wood, concrete block, precast concrete, stucco, etc.) for information purposes. The materials should be noted on the plan.
- The elevations must be complete in showing texture intended for information purposes - (e.g. horizontal lines to show brick course, vertical lines to show wood siding or concrete patterns, stipple tone to show stucco finish, etc.).
- See Part "A" Note #3 "Stamp" and Part "B" Note #10 (Elevation Notes).

7. One set of building elevations must be architecturally rendered for presentation purposes.

8. **Perspective/Model/or Section**

This item is optional for presentation purposes. However, depending on the nature or magnitude of the project, a perspective or section may be required in order to clarify the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access.

The perspective or section should be an architectural rendering of a view of a typical block or building and its proposed setting for presentation purposes. The drawing should be shown within the context of the adjacent lands, if applicable.

9. **Underground Parking Layout** (if applicable)

- Showing ramps, stairwells, parking spaces for floor or floors of underground parking, as required.

10. **Lighting Plan for Public Parking Lots**

- Location of all proposed fixtures/lighting poles.
- Type of fixtures including manufacturer's wattage, voltage and lamp type.
- Photometric data or computer printout showing Foot Candle (F.C.) levels.
- Use "IES" Roadway Lighting as guidelines - Table 14-27

"Recommended Maintained Horizontal Illuminances for Parking Facilities", as minimum requirements with an exception to raise the lighting level to 5 F.C. for Hamilton Parking Authority Outdoor Parking Lot.

11. The following notes must be shown on the plans designated:

A. NOTES ON SITE PLAN

1. All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division.
2. Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
3. Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
4. All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
5. The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:

- Road cut permits	- Sewer permits
- Approach approval permits	- Relocation of services
- Committee of Adjustment	- Encroachment agreements (if required)

B. NOTES ON GRADING PLAN

1. Any changes in grades and catch basins require the approval of the Director, Land Development Department, Community Planning and Development Division (Development Engineering Section).
2. All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
3. The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:

- Road cut permits	- Sewer permits
- Approach approval permits	- Relocation of services
- Committee of Adjustment	- Encroachment agreements (if required)

C. NOTES ON LANDSCAPE PLAN

1. Any plant material or *play equipment substitutions require the approval of the City of Hamilton.
 2. Plant material, *play equipment and fencing shall be minimum to be provided by the owner. Any additions must comply to the Zoning By-law.
- *PLAY EQUIPMENT TO BE INCLUDED IN NOTES #1 AND #2, IF APPLICABLE, TO RESIDENTIAL PROJECTS.**
3. Any sodding, planting or work on lands abutting the property from the lot lines to sidewalk and curbing, shall be to the satisfaction of the City and/or Regional Municipality.
 4. All landscaping shall be installed prior to the end of the first growing season following occupancy of the development.

D. NOTES ON ELEVATION PLAN

1. Door and window locations, dimensions, details and building materials may vary depending on final building layout, and are shown for information purposes only.

DATE RECEIVED _____ CASH: _____ FILE NO. _____
FEE RECEIVED _____ CHEQUE: _____ REVIEWED BY: _____

THE CORPORATION OF THE CITY OF HAMILTON, ONTARIO
APPLICATION FOR THE APPROVAL OF PLANS AND DRAWINGS
PURSUANT TO SECTION 41 OF THE PLANNING ACT, R.S.O., 1990
AND CITY OF HAMILTON BY-LAW NO. 87-150, 87-223 and 98-173
- SITE PLAN CONTROL -

This application form is to be completed and submitted in duplicate to The Corporation of the City of Hamilton, Ontario.

REVISED: September 22, 1999

NOTE: REFERENCE MUST BE MADE TO ABOVE-NOTED FILE NUMBER IN ALL CORRESPONDENCE OR COMMUNICATIONS. RESPONSE TO ANY INQUIRIES MAY BE DELAYED WITHOUT THIS NUMBER.

PART 1 APPLICANT **NOTE:** FULL AND CORRECT NAME AND ADDRESS OF APPLICANT(S), WHETHER A CORPORATION OR INDIVIDUAL, MUST BE PROVIDED

BLOCK NAME & ADDRESS _____
LETTERS _____

POSTAL CODE TELEPHONE FAX

PART 2 AGENT **NOTE:** ALL CORRESPONDENCE WILL BE SUBMITTED THROUGH THE AGENT.

BLOCK Name and address of _____
LETTERS Authorized Agent or
other person acting
on behalf of Applicant _____

POSTAL CODE TELEPHONE FAX

PART 3 LAWYER **NOTE:** REQUIRED FOR PREPARATION OF SITE PLAN AGREEMENT

BLOCK Name and address of _____
LETTERS Lawyer _____

POSTAL CODE TELEPHONE FAX

PART 4 APPLICANT'S INTEREST

State whether Applicant is Owner/Prospective Owner/Lessee/ _____

Or Owner as under offer to purchase dated _____

If the Applicant is not the Owner:

(a) Has the Owner consented to the application Yes ___ No ___

(b) State the Owner's Name and Address:

NAME _____

ADDRESS _____

POSTAL CODE

TELEPHONE NO.

NOTE: CONSENT OR AUTHORIZATION MUST ACCOMPANY THIS APPLICATION.

PART 5 LAND AFFECTED

State Municipal Number, address and give description of the land for which the plans and drawings are proposed:

Note: Survey plan must accompany this application.

PART 6 PRESENT ZONING AND LAND USE

State the present zoning of the land _____

For what purpose(s) is the land (including building(s)) now used: _____

For what purpose(s) will the land (including building(s)) be used: _____

PART 7 ADDITIONAL INFORMATION

PART 8 Has the site been the subject of any of the following (State File Number if known):

- Zoning Application ZA-
- Site Plan Control Application DA-
- Committee of Adjustment A-
- Land Division Committee Application H-

PART 9 CONDOMINIUM

Is this residential development intended to become a Condominium?

YES _____ NO _____

NOTE: This information is required in accordance with the Regional Condominium Conversion Policy.

PART 10 PREVIOUS USE OF PROPERTY

- ☐ Residential ☐ Industrial ☐ Commercial ☐ Farmland ☐ Vacant
☐ Other
-

- A. If Industrial or Commercial, specify use _____
- B. Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
- ☐ Yes ☐ No ☐ Unknown
- C. Has a gas station been located on the subject land or adjacent lands at any time?
- ☐ Yes ☐ No ☐ Unknown
- D. Has there been petroleum or other fuel stored on the subject land or adjacent lands?
- ☐ Yes ☐ No ☐ Unknown
- E. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
- ☐ Yes ☐ No ☐ Unknown
- F. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
- ☐ Yes ☐ No ☐ Unknown
- G. Have the lands or adjacent lands ever been used as a weapons firing range?
- ☐ Yes ☐ No ☐ Unknown
- H. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
- ☐ Yes ☐ No ☐ Unknown
- I. If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
- ☐ Yes ☐ No ☐ Unknown
- J. Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
- ☐ Yes ☐ No ☐ Unknown
- K. What information did you use to determine the answers to 10.A to 10.J above?

- L. If previous use of property is industrial or commercial or if YES to any of 10B to 10J, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes____ No ____

PART 11 OWNERS RESPONSIBILITY AND ACKNOWLEDGEMENT CLAUSE

I acknowledge that neither the Region of Hamilton-Wentworth nor the Corporation of the City of Hamilton is responsible for the identification and/or remediation of contaminated sites. I also agree, whether in or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, that I will not sue nor make any claim whatsoever against The Regional Municipality of Hamilton-Wentworth, The Corporation of the City of Hamilton, their respective officers, officials, employees, or agents, or any of the foregoing, for or in respect of any loss, damage, injury or costs.

Date

Signature of Owner

Print Name

PART 12 STATUTORY DECLARATION

DOMINION OF CANADA)
 PROVINCE OF ONTARIO)
 CITY OF HAMILTON)

In the matter of an application by:

for approval of plans and drawings by the Corporation of the City of Hamilton under Section 41 of the Planning Act, R.S.O., 1990.

I, _____ of the _____ of _____

_____ in the _____

DO SOLEMNLY DECLARE, as follows:

1. I am the owner or duly authorized agent of the owner of the land described as _____

2. To the best of my knowledge and belief the particulars given in this application are correct and in accordance with the requirements of Section 41 of The Planning Act, R.S.O., 1990 for plans and drawings.

Declared before me at the
City of Hamilton
in the Regional Municipality
of Hamilton-Wentworth
this day of
1999

Signature of Owner or Agent in the
presence of the Commissioner

Commissioner

NOTE:

Personal information contained on this form is collected under the authority of The Planning Act, R.S.O., 1990, Section 41, in order to consider applications for Site Plan approval. Questions about this collection should be directed to the Director, Land Development Department, Community Planning and Development Division, City of Hamilton, 71 Main Street West, Hamilton, Ontario, L8N 3T4 (Telephone: (905) 546-4221).

APPENDIX " B" to Project Review Process**SITE PLAN GUIDELINES FOR EASTPORT****DRAFT****1. Site Plan:****(a) General Plan Requirements:**

Plan is to show the overall design, relationships and context of the proposed development. It must include locations and dimensions of all buildings, driveways, parking / loading areas, walkways, landscape areas, fencing, signs, property and boundary lines in a clear and legible manner. The plans must be in metric scale 1:100, 1:200 or 1:400.

(b) Building Location and Orientation on the Lands:

- Building location and orientation must address the nature and function of the development in conjunction with the context of the property.
- Any projects providing a high visual exposure to travelers along EastPort Drive and the Q.E.W. must present an high level of quality in design and construction and provide an attractive impression of its building and land use.
- Any project not requiring a high visual exposure must ensure any visibility of any portions of the buildings or site is designed and maintained in an attractive manner and high design standard.
- From the internal access roadways, the projects must be attractive.
- The building location and orientation must consider the pedestrian walkway systems, whether a formal or informal designation or design to enhance the project environment for the users of the project.

-Building Setback from municipal road – (i.e. EastPort Drive)

(To clarify interpretation of Harbour by-law on street/ front yard / rear yard.

- 9m minimum / maximum 15m.

-Building Setback from internal roadways – (i.e. EastPort Boulevard, SouthGate Drive, NorthGate Drive, etc.) - 6m minimum.

-Building Setback from side lot lines – minimum 10% of the lot width, with 3.0m minimum.

Info-

(F-4- no yard requirements for these lands, building coverage restricted-see bylaw)

(Harbour By-law-rear yard on arterial road -PZ-0 - 9.0m

-Front yard (street) -PZ-0 and PZ-1 - 6.0m

(c) Access Driveways, Parking, Loading and Service Areas:

- Limited access from EastPort Drive should be maintained. Each access point should be addressed as a "Gateway" identity and entrance design of a high quality.
- Development of the subject lands is by Private Driveways (i.e. North Gateway, South Gateway and Eastport Boulevard) and should be limited to these internal driveways only. Individual driveway access areas should be designed in an attractive manner and clearly indicate its purposes for either service or business access / parking / building entrance.
- Parking or service areas must be visually screened and buffered from EastPort Drive but may be partially screened from the internal roadways.
- Loading areas must be visually screened from EastPort Drive and preferably located near the interior roadways.
- The design of any vehicular access, parking or service areas must minimize any conflicts with pedestrian activities.
- Vehicular driveways must provide a minimum 7.5m width at the boundary line with internal driveways being 6.0m minimum. All access driveways must provide suitable turning radii at all turning points.
- Service driveways for large vehicles must be 9.0m minimum at the boundary line with suitable internal driveway and circulation patterns to accommodate large truck vehicles in consideration of the function of the development.
- Routes for large vehicles must be identified on the plans.
- Parking spaces and areas must be visually screened from EastPort Drive by use of features such as visual screening, fencing, solid planting, walls, and earthforms, berms or grade changes. The overall height of the screening may vary depending on the visibility of what is to be hidden from view. Solid screening may be 1.2m to 2.0m high, with vegetation supplementing higher screening or buffering.
- Parking spaces must be typical 2.7m x 6.0m minimum with a suitable number of designated and signed parking spaces for the disabled.
- The surface of all parking spaces, loading spaces, driveways, maneuvering areas must be of a permanent, durable and dustless hard surface, such as asphalt or concrete or a combination of asphalt and concrete or other acceptable materials and must be suitably drained.

2. Grading:

General Plan Requirements:

The Plan is to show details of grading of the property by spot elevations or contour lines, to review the overall design and grades related to the features of the project, for the purposes of analyses of the impact on aesthetics and storm water management. The grading design must also control the quantity, quality

and velocity of stormwater runoff leaving the property while recognizing sustainable development policies and natural processes. Directional arrows shall be included to identify drainage patterns. Sections of various features or areas may also be included. The plans must be in metric scale 1:100, 1:200 or 1:400.

- The slope of the land, earth berms, retaining walls, surface treatment, drainage swales, retention or detention areas are the type of grading features which impact the visual aspect of a development. For this purpose, the grading features must integrate with the landscape and building designs to enhance and benefit the project.

- The grading features must be of a high quality to create an attractive project.

- The quantity, velocity and quality of stormwater runoff leaving the development must recognize sustainable development policies and natural processes.

- Any existing drainage courses traversing the site must be resolved within the proposed development.

- The overall height of the earthform, berm or grade feature may vary depending on the degree of visibility of what is to be hidden from view and from where the viewing is considered. Solid screening may be 1.2m to 2.0m high, with vegetation supplementing higher screening or buffering.

- Berミング adjacent to Eastport Drive and the Q.E.W. may be appropriate to assist screening of parking or service areas, provide setting for signs or landscape features or create and focus particular views or vistas.

- The use of grassed swales, retention or detention ponds or areas shall be encouraged to promote short-term accumulation and natural absorption of stormwater runoff.

3. Landscape Design:

General Plan Requirements:

The Plan shall identify existing and proposed plantings, deleted and retained plants, walkways, landscape features, lighting, etc. Plant materials shall be clearly identified in a Legend using key, quantity, botanical and common names, size, and condition. Tree Preservation and/or Vegetation Analysis Plans may be required where existing plant materials are proposed to be retained and/or removed. The plans must be in metric scale 1:100, 1:200 or 1:400 and must be clear and legible.

- The environs of the property must be designed in consideration of the context of the area and the functions and intent of the development. The use of plant materials, together with other soft and hard landscape features shall be

designed in such a manner to compliment the site and its area, create a pleasant environment for its users and provide a visually attractive development.

- Landscape Area located adjacent to municipal roadway should be of a high quality design and may include earthforms (berms), fountains, sculpture, plantings, surface treatment, etc.
- Landscape Area adjacent to any municipal road – (i.e. EastPort Drive):
 - 9m minimum / maximum 15m.
- Landscape Area adjacent to any internal roadways – (i.e. Access roadways such as EastPort Boulevard, SouthGate Drive, NorthGate Drive, etc.):
 - 6m minimum.
- Landscape Area adjacent to any side or rear lot lines:
 - Minimum 10% of the lot width, with 3.0m minimum.
- Fencing must be considered as a design element and must enhance the visual appearance of the project while resolving the technical requirement for the project.
- Where earthforms or berms are proposed or may be encouraged, the width and height of the berm is to be determined by acceptable slope gradient, surface treatment, and plant design for visual and maintenance purposes.
- Suitable plant materials must be chosen in consideration of the site and building design.
- Coniferous and deciduous trees and shrubs should be included.
- Flowers, ground covers and vines should be used where appropriate.
- All plantings and site areas must be well maintained and kept free of garbage and debris.
- The design of any vehicular access, parking or service areas must minimize any conflicts with pedestrian activities or functions on the property through the use of designated walks or paths, or use of differing surfacing materials.

4. Building Elevations:

General Plan Requirements:

The Plan shall include all elevations of buildings or structures (north, south, east, and west facing views) and shall identify materials, colors or special features. The plans must be in metric scale 1:100, 1:200 or 1:400.

- It must be recognized that many users / occupants of the EastPort sites may desire and require high and attractive visibility to the Q.E.W. and Eastport Drive. To this purpose the design of the buildings must be of exceptional caliber of design and construction.
- These buildings and structure must be designed to visually enhance the industrial nature of the Eastport lands from the Q.E.W., Eastport Drive, Eastport Boulevard

and publicly accessible lands.

-Controlled views of the buildings or structures can be utilized to highlight the architecture and its design qualities.

-The architecture of the buildings and structures must be innovative in responding to the needs of the users and recognize the context of the site.

-The building form and design must be attractive to the passer-by along the adjacent highways and remain inviting and comfortable to those using the development in their daily work.

5. Signs:

General Requirements:

All sign information or visual communication features must be identified on the plans. The appearance of any signs for the development such as wall signs, ground level sign, etc. may be included on the Building Elevation plan or separate plans. These features must also be included and identified on the Site, Landscape and Grading Plans.

Any visual communication features provided on the site shall be visually attractive and pleasing, innovative, and designed in the context of the development and business being addressed, for the targeted clientele.

-Types of Visual Communications:

-Wall Sign: must be designed as part of the architecture and appearance of the building or structure.

-Ground or Pylon Sign: Maximum 7.6m high.

-Maximum one sign per abutting road.

-Integrated Ground Landscape Sign (on a sloped berm):

-Earthform or berm to be sloped sufficiently to allow visibility of message and plant and surface materials from the adjacent roadways or highway.

-Sign materials must include a combination of natural vegetation, granular materials (stone, clay, and brick) as the main material composition of the sign.

-Sign may include a limited amount of wood, steel or plastic beyond the necessary basic and edge form features.

-Lighting shall be an integral part of the design.

-Third party signs are not permitted.

-Orientation in relation to Q.E.W. – any signs must comply with Ministry of Transportation regulations.

6. Visual Assessment:

General Requirements:

A report indicating the visual impact of the development may be required to evaluate the proposal. The report may be in a variety of forms to present the visual impact such as video, photographs, or computer imaging in an acceptable format.

A Visual Assessment of the development must examine the potential visual impact created by the proposal and respond to decrease any negative aspects as much as possible in modifications to any of the features or functions of the proposal.

Objective:

The development must provide an attractive view from the adjacent highways and roadways and promote a positive image of the business, the neighbourhood and the City.

Implementation:

The design, construction and maintenance of the development must be of a high quality to capture the attention of visitors and clients of the area and the City and provide a positive and lasting impressio

APPENDIX "C" to Project Review Process

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. -

To Establish:

Site Plan Control

Respecting:

THE HAMILTON HARBOUR - PIERS 25 TO 27 (EAST PORT)

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

The Hamilton Harbour - Piers 25 to 27 (East Port), shown on Appendix 162 hereto annexed and forming part of this by-law.

2. Appendix 162 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

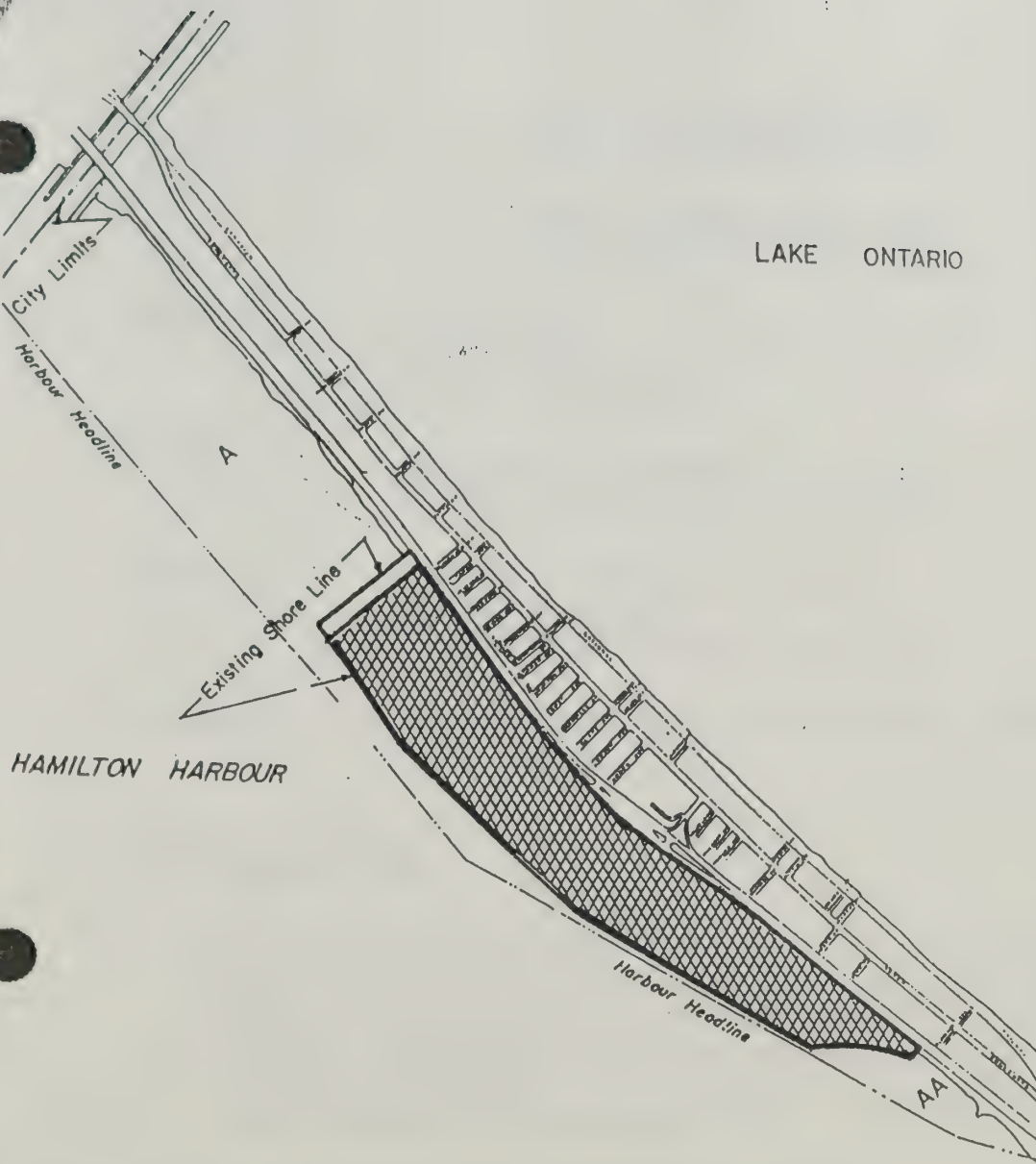
PASSED this

day of

A.D.

CITY CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No.
Passed the day of

Clerk

Mayor

City of Hamilton

Appendix

to By-Law No. 79-275

As Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date

Reference File No.
CI-81-K

Drawn By
J.M.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 July 19
(CDM-CONV-00-03)
Central Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Proposed Draft Plan of Condominium (Conversion) – No. 285 King Street West (PDC00132)

RECOMMENDATION:

- (a) That approval be granted to application CDM-CONV-00-03 (Regional File 25CDM-2001) submitted by 1165555 Ontario Inc. (Dan Gaskin), owner, for a draft plan of condominium for the property located at No. 285 King Street West, as shown on the attached plan marked as APPENDIX "A", to provide for a condominium comprised of 27 apartment units (24 conversion and 3 new), subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated October 3, 1999 (APPENDIX "B") prepared and certified by Edward Barich, Ontario Land Surveyor.
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to Corporate Counsel.
 - (iii) That prior to approval of the final plan the property taxes shall be in good standing and the draft plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan.

- (b) That the Acting Municipal Clerk be directed to advise the Director of the Land Development Department of the Community Planning and Development Division of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

This application is processed under the Authority of the Planning Act and Condominium Act.

BACKGROUND:

Applicant:

1165555 Ontario Inc. (Dan Gaskin), owner of 285 King Street West.

Surveyor:

Edward Barich, Ontario Land Surveyor.

Location:

The subject lands have an area of 925 m² and are located at No. 285 King Street West, within the Central Neighbourhood, as shown on APPENDIX "A". The lands contain a 3 storey apartment building constructed in approximately 1927.

Proposal:

The owner is proposing to establish a plan of condominium for the existing 3 storey apartment building at No. 285 King Street West (see APPENDIX "B"). There are 24 existing apartment units (8 per floor) which would be converted from rental to condominium status. Three of the existing units are two-bedroom units, and the remaining 21 units are one-bedroom. In addition, the applicant is proposing to add 3 new one-bedroom apartment units within the basement level of the building, for a total of 27 condominium apartment units (3 two-bedroom and 24 one-bedroom). There is no parking provided on-site.

The applicant has indicated that, other than the addition of the 3 new units, there would be no immediate renovations or physical change to the building. Eventually, in a two to three year period, minor renovations, such as new windows and upgraded plumbing, would be undertaken.

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" on the Regional Development Pattern of the Hamilton-Wentworth Official Plan (HWOP). The lands are also located in proximity to the "Regional Centre". The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Central Policy Area" on Schedule A – Land Use Concept of the City of Hamilton Official Plan. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies

The Official Plan also provides guidance in assessing the merits of proposed condominium conversion in the City. Policy C.7.1.1 states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Downtown/Central Hamilton" local housing market zone. This City-defined market zone is the combined equivalent with the sub-market area "Zone 1 - Downtown Core" and "Zone 4 - Central" used by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics are as follows:

Condominium Conversion Official Plan Policy
Housing Market Statistical Analysis

Criteria (i) - Rental Apartment Vacancy Rate

	City of Hamilton	Downtown/Central Hamilton
October, 1999	1.99%	2.51%
October, 1998	3.96%	5.23%

Criteria (ii) - Impact on Rental Apartment Vacancy Rate:

	City of Hamilton	Downtown/Central Hamilton
Pre-Conversion	1.99%	2.51%
Post-Conversion	1.99%	2.52%

Criteria (iii) - Average Market Rents

	Unit Count	285 King St. W. (Sept., 1999)	City of Hamilton (Oct., 1999)	Downtown/Central Hamilton (Oct., 1999)
One-bedroom	21	\$512	\$529	\$529
Two-bedroom	3	\$545	\$654	\$673

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and 1165555 Ontario Inc.

Criteria i) requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed conversion at No. 285 King Street West satisfies this test as the rental apartment vacancy rates within the City of Hamilton and the Downtown/Central Hamilton market zone, as of October 1999 and October 1998 were at or above 2.0%. It should be noted that the City of Hamilton vacancy rate for October 1999 was 1.99%, which would be rounded up to 2.0%.

Criteria ii) requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion would not reduce the rental vacancy rates to below 2.0% for the City of Hamilton or the Downtown/Central Hamilton zone. The post-conversion rates would be 1.99% and 2.52%, respectively for the City and zone. Again, the 1.99 % figure would be rounded up to 2.0%. Criteria ii) is also satisfied.

Criteria iii) requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The average market rent levels for the two-bedroom units are 17% and 19% below the average market rents for the City and Downtown/Central Hamilton zone, respectively. However, it should be noted that there are only 3 two-bedroom units, the majority of the units to be converted are one-bedroom units. The average market rent for the 21 one-bedroom units are within 3% of the average market rent levels for both the City and Downtown/Central Hamilton zone.

Accordingly, the existing market rent levels are not significantly below the average market rent levels for the City and respective local housing market zone.

Based on the foregoing review, the proposed condominium conversion at 285 King Street West would not conflict with Policy C.7.11 of the City of Hamilton Official Plan.

Approved Central Neighbourhood Plan

The Approved Central Neighbourhood Plan designates the subject lands as "Commercial". However, the residential apartment building is an existing non-conforming land use. Accordingly, an Amendment to the Approved Central Neighbourhood Plan is not required.

Zoning:

The subject lands are zoned "E-3" (High Density Multiple Dwellings) District. The 24 unit apartment building, with no parking or loading area, is a legally recognized use. In 1990, an application was approved by the Committee of Adjustment to permit three additional apartment units in the basement level.

COMMENTS RECEIVED FROM CIRCULATION:

- The Community Planning and Development Division, Development Engineering Section advised of the following:

- "1) The designated road allowance width of King Street is 26.21 m. In accordance with the designation, the applicant/owner should be advised of a future road allowance widening of approximately 2.2m to establish this width. This road widening is shown on Survey Plan P752A.
- 2) For the information of the applicant/owner, any works within the King Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.
- 3) There are municipal sewers and watermains to serve this development directly.

The submitted plan as prepared by Edward Barich, O.L.S. stamped with the date October 3, 1999 is satisfactory to the Community Planning and Development Division subject to the above noted comments."

- The Community Planning and Development Division, Building Department advised of the following:

- "1. The recognized use is a twenty-four (24) unit multiple dwelling which was established prior to July 25, 1950.
2. Committee of Adjustment decision A-90-77 permitted the addition of three (3) dwelling units in the basement of the existing building, however, as of this date,

the required building permit has not been obtained for the conversion to twenty-seven dwelling units.

3. The location of the three-storey brick apartment building is legally established non-conforming."

- The Department of Public Works and Traffic, Traffic Division has no comment or concern.
- The Finance/Treasury Department advised that the taxes are paid to date.

TENANT OPINIONS/CONCERNS:

In accordance with City of Hamilton procedure, a pre-stamped short survey questionnaire was mailed by the Land Development Department to all tenants within the existing 24 apartment units. Of the 24 surveys sent out, 10 were returned with the following results:

1. Are you... in favour of the condominium conversion proposal?	2	20%
opposed to the condominium conversion proposal?	3	30%
undecided?	5	50%
	<hr/> 10	<hr/> 100%
2. Do you... intend to purchase a unit?	0	0%
prefer to remain as a tenant?	5	50%
undecided?	5	50%
	<hr/> 10	<hr/> 100%

The applicant has been proactive in notifying tenants of his intent to convert the building. Prior to submitting an application to the Region, the applicant sent a written notice to tenants advising of his intent to convert the building to condominium and advising tenants of their rights to lifetime security of tenure as renter, as provided for under the Tenant Protection Act.

Further to the above, an informal Tenant Information Meeting was held to discuss the proposed conversion to condominium status on June 29, 2000. In attendance were Ward 2 Aldermen Corsini and Horwath, staff from the Land Development Department, the owner/applicant and four tenants, including the apartment superintendent. The process and timing of Condominium applications and the role of the City in Condominium approval were discussed. Tenants asked a number of questions respecting tenant rights, extent and timing of renovations to be undertaken, lack of parking, etc. The tenants appeared comfortable with the knowledge that they cannot be evicted, will continue to be protected by rent control and cannot be forced to buy a unit simply because the legal status of the building changed to condominium.

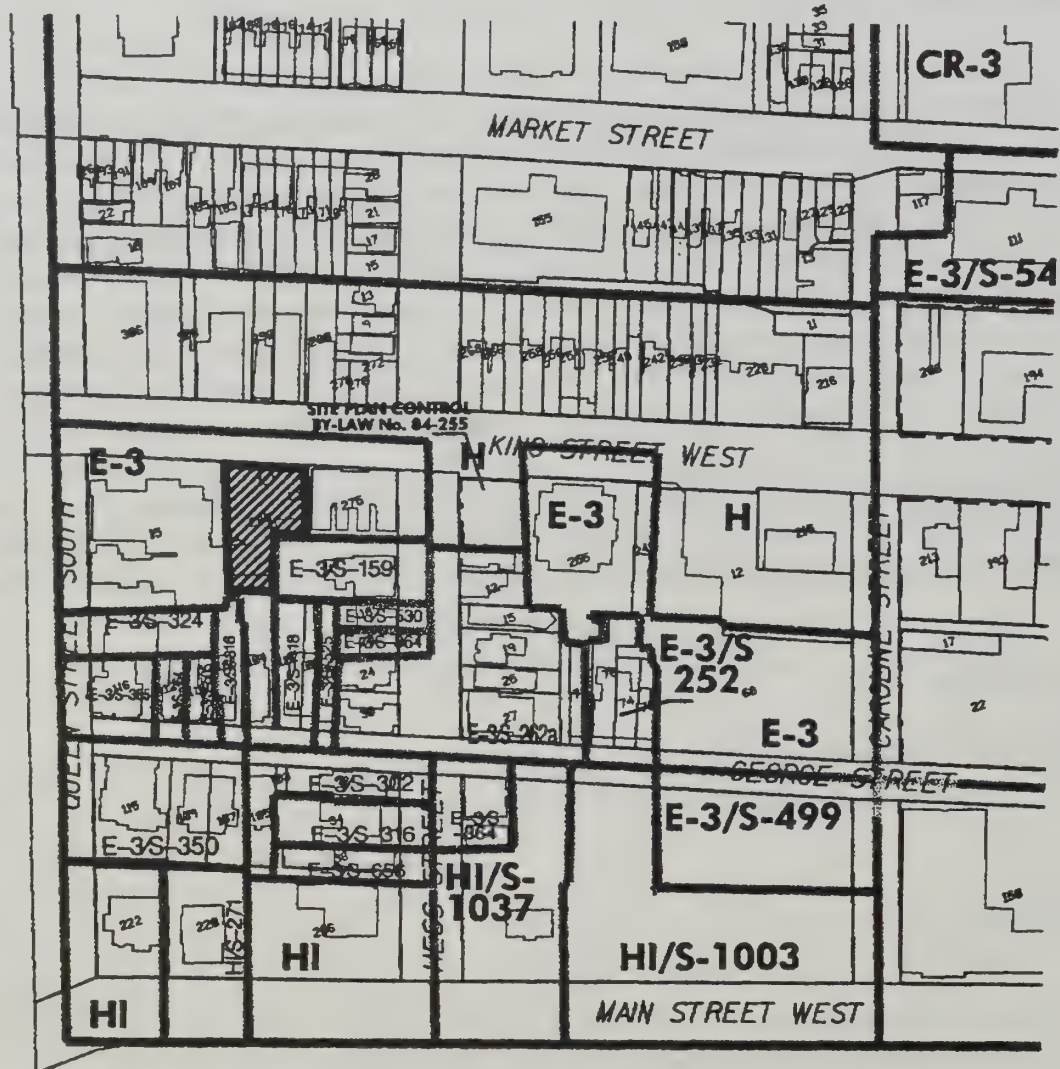
COMMENTS:

1. The proposal does not conflict with the Official Plan or the Approved Central Neighbourhood Plan.
2. A rental vacancy rate in the range of 2.0% to 3.0% represents a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Downtown/Central Hamilton zone was recorded by Canada Mortgage and Housing Corporation at 2.51% in October, 1999 and the overall rental apartment vacancy rate for the City of Hamilton was at 1.99% in October, 1999. Although, the vacancy rate for the City of Hamilton is at 2% and should not be permitted to drop below this level, there is currently an adequate supply of rental apartment units. Furthermore, the proposed conversion would have virtually no impact on the vacancy rates within the City or the respective Zone. The proposal would not adversely affect the adequate provision of a full range of housing for residents of the City of Hamilton.
3. The tenants of the subject building were provided with information from the Ontario Rental Housing Tribunal and appear comfortable in understanding their legal rights under the Tenant Protection Act in the situation of a condominium conversion.

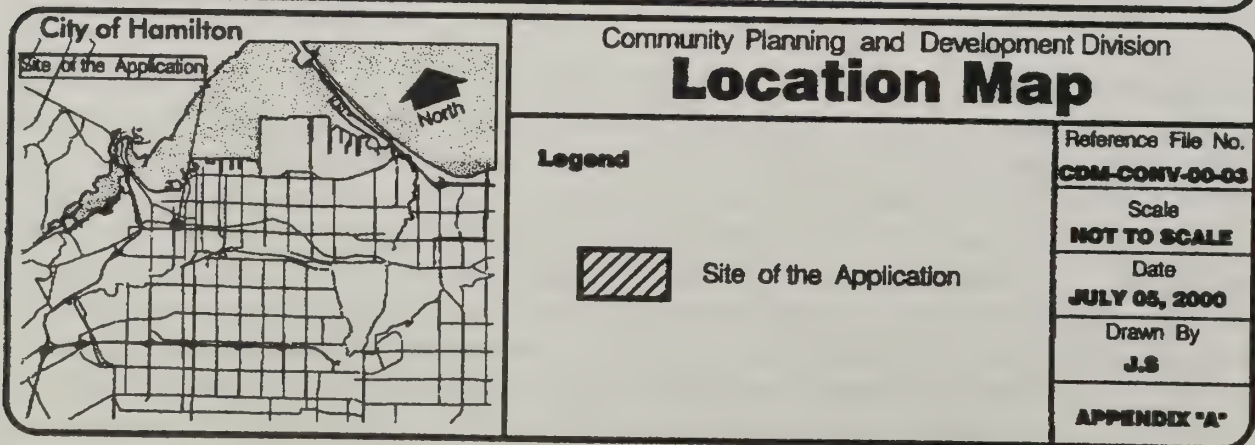
CONCLUSION:

On the basis of the foregoing, the proposed plan of condominium for No. 285 King Street West can be supported.

CL-M/cl-m



NOTE: All dimensions are in metres



AGENDA

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday September 20, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Tina Agnello
Legislative Assistant

CALL TO ORDER

URBAN MUNICIPAL

1. DECLARATIONS OF INTEREST

SEP 19 2000

2. PUBLIC MEETINGS:

GOVERNMENT DOCUMENTS

9:30 O'CLOCK A.M.

- 2.1 ZAR-00-23 – Rear of 148 Rymal Rd. East (PDC00148)
- 2.2 ZAR-00-24 – 158-166 Stone Church Rd. West (PDC00149)
- 2.3 Official Plan Amendment and ZA-00-25 - Lands Located East of Lake Avenue North and South of Strawberry Drive (PDC00153)

9:45 O'CLOCK A.M.

- 2.4 Official Plan Amendment and City initiative 98-C, for Windermere Basin (PDC00147)
- 2.5 ZAC-00-01 and ZAR-98-33 – 330 and 342 Dundurn St. South (PDC00154)
- 2.6 Downtown Hamilton Community Improvement Plan/Expanded Area of Downtown Community Improvement Plan area (PD00138A)
- 2.7 Request for a Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156) (recircularized for October 4 meeting)

3. ADOPTION OF MINUTES

- 3.1** Minutes of the Regular Meeting Held August 9, 2000

4. CONSENT ITEMS

- 4.1** Cash-in-Lieu of Parking Application- CPL-00-02, 151 Emerson (PDC00150)
- 4.2** ZA-00-11, Request for the Removal of the Holding Zone for Lands Located at 1088-1188 Upper Paradise Road- (PDC00155)
- 4.3** Information Report

5. DISCUSSION ITEMS

- 5.1** Waiving of Fees for derelict Buildings (referral from Council)
- 5.2** Application for Demolition, 28-32 James Street South (Information Report)(PDC00159)
- 5.3** Application for Demolition, 723 Rymal Road West (PDC00161) (information Report)

6. OTHER BUSINESS

7. ADJOURNMENT

CITY OF HAMILTON

2.1

- RECOMMENDATION -

DATE: 2000 August 30
ZAR-00-23
Allison Neighbourhood

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning – Rear of No. 148 Rymal Road East (PDC00148)

RECOMMENDATION:

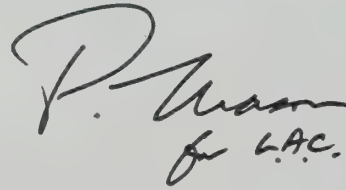
That approval be given to Zoning Application ZAR-00-23, 200 Rymal Road Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for property located at the rear of No. 148 Rymal Road East, to create two single-family dwelling lots fronting onto Jacqueline Boulevard, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for lands located at the rear of 148 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for two single family detached dwellings fronting onto Jacqueline Boulevard (see attached APPENDIX "A").



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

Proposal

The applicant is proposing to rezone the subject lands, as shown on APPENDIX "A", from "AA" (Agricultural) District to "B-2" (Suburban Residential) District to permit future development for single family detached dwellings fronting onto Jacqueline Boulevard.

The Committee of Adjustment, at their meeting of June 28, 2000 approved Land Severance Applications B-00:35 and B-00:36 to permit severance of the lands located at No. 148 Rymal Road East and Block 34 Registered Plan 62M 830. The applications involve the severance of the rear portion of 148 Rymal Road East to be developed in conjunction with Blocks 33 and 34 Registered Plan 62M 830 "Allison Estates Phase 2" (see APPENDIX "B"). The effect of the applications is to create two single family dwelling lots fronting onto Jacqueline Boulevard, with approximate areas of 543 m² (parts 1 and 3 and Block 34 on APPENDIX "B") and 549 m² (part 2 and Block 33 on APPENDIX "B"). The proposal satisfies condition (t) of Draft Plan Approval for "Allison Estates" to develop Blocks 33 and 34 in conjunction with the subject lands. In addition, Severance Applications B-00:35 and B-00:36 are conditional upon finalization of this rezoning application.

By-laws No. 93-042 and 97-152

City council, on February 23, 1993, passed By-law No. 93-042 which rezoned lands to the south and east of the subject lands, including Blocks 33 and 34 Registered Plan 62M 830, from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified. The by-law provided for a minimum lot width of 15.0 m and an average lot area of 510.03 m² but not less than 480.0 m², for 29 lots within the Allison Estates subdivision. The "B-2 District provisions normally require a lot width of not less than 15.0 m and an area of at least 540.0 m².

City Council, on July 8, 1997 passed By-law No. 97-152 which provided a further modification to the "B-2" District regulations for lands zoned under By-law No. 93-042

requiring that every lot shall have a minimum lot width of 15.0 m and a minimum area of 480 m².

APPLICANT:

200 Rymal Road Incorporated, prospective owner.

LOT SIZE AND AREA:

The subject lands do not have frontage on a public street, but have the following dimensions:

- A width of 33.53 m (110 feet);
- A depth of 37.04 m (121.5 feet); and,
- An area of 1,204.8 m² (12,968.78 sq. ft.)

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north And west	Single family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
To the east And south	Single Family dwellings	"B-2" (Suburban Residential) District, modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to

the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and area, building height, coverage, mass, setbacks, privacy and overview.
 - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" in the approved Allison Neighbourhood Plan. The proposal complies with the intent of the plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no comment or objection.
- The Community Planning and Development Department (Building Department) advise:

- “1. Every lot in the proposed “B-2” District shall have a width of at least 15.0 m (49.21’) and an area of at least 540.0 m² (5812.70ft.²). No proposal submitted.
 2. Our records indicate that a dwelling previously existed on this parcel of land and it appears that the building was removed in 1985.
 3. Subject to severance or subdivision application for future lots.
 4. The minimum requirements of the proposed “B-2” District shall be complied with.”
- The Community Planning and Development Division (Development Engineering Section) advise:

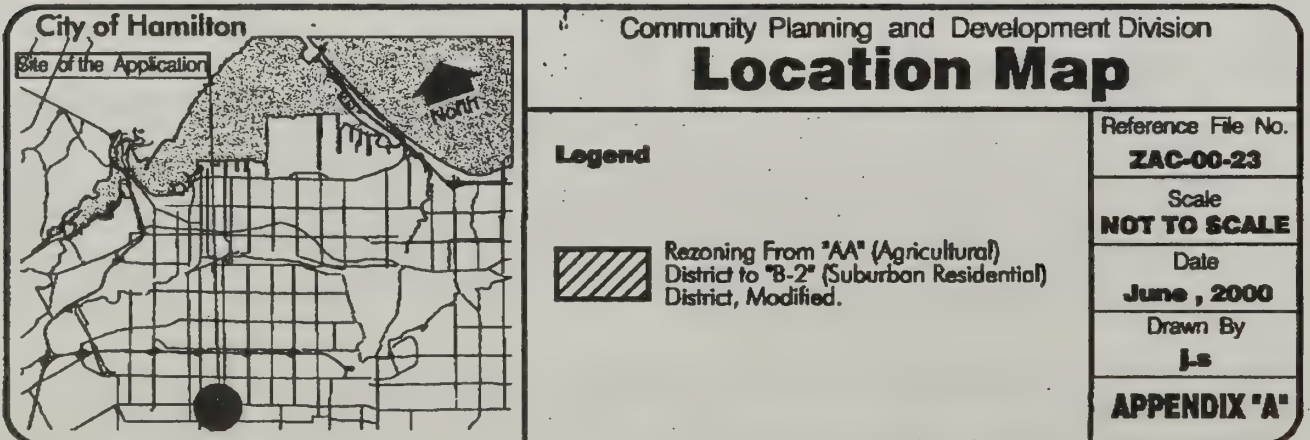
“...we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands. The Transportation, Operations and Environment Division, Roads Section have no comments”

COMMENTS:

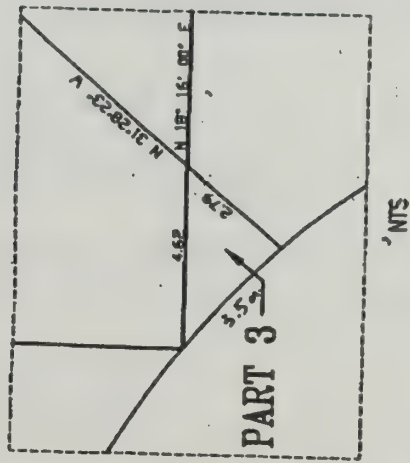
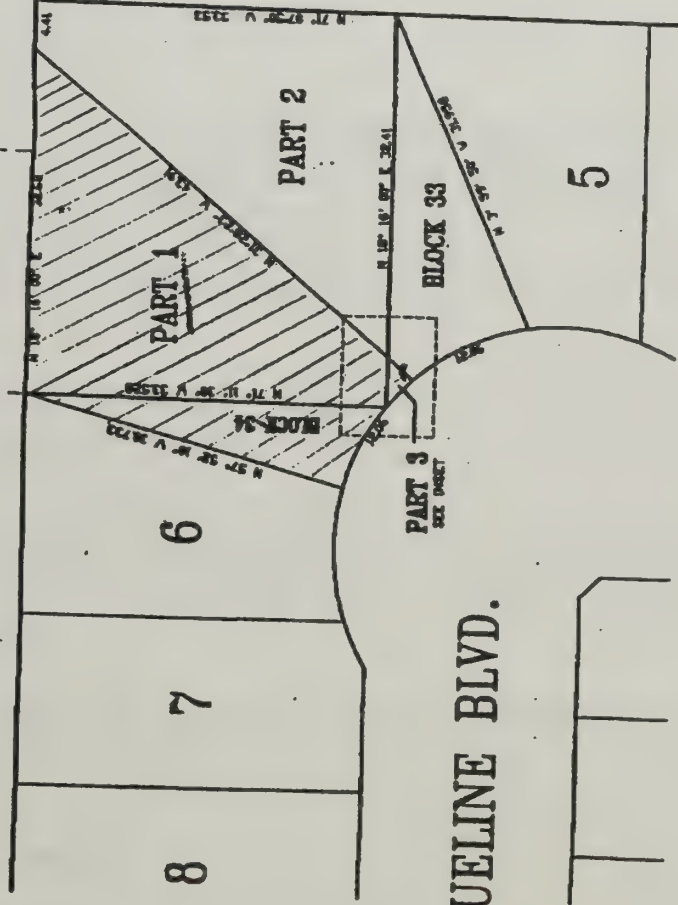
1. The proposal complies with the intent of the Official Plan and the approved Allison Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of the Official Plan and the approved Allison Neighbourhood Plan;
 - The proposed single-family residential development represents appropriate infill development, and is consistent with the established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Jacqueline Boulevard; and,
 - It fulfils a condition of the related Land Division applications B-00:35 and B-00:36 and plan of subdivision 62M-830.
3. As noted in the Background section of this report, the “B-2” zoning applicable to the adjacent lands within Registered Plan 62M 830 (Allison Estates subdivision), was modified by By-laws 93-042 and 97-152, to permit reduced lot areas (e.g. 480 m²). Although the subject lands will be developed in conjunction with Blocks 33 and 34 of Registered Plan 830, the lots being created will meet the minimum “B-2” District lot area requirement of 540 m². As such, special provisions are not required for application ZAR-00-23.

CONCLUSION:

Based on the foregoing, the application can be supported.



LOT 72 LOT 73



SKETCH
8-00:36

APPENDIX "B"

URBEX ENGINEERING LIMITED <small>(INCORPORATED IN THE PROVINCE OF ONTARIO)</small>		ALISON ESTATES PH 2		1	
DATE: 1 SEP 15, 2000		PROJECT: PARTS 1, 2 & 3		SHEET: 1	
DRAWN BY: A.S.		CHECKED BY: A.S.		DATE: 1 SEP 15, 2000	
SCALE: 1" = 100'		NORTH ARROW		SEE INDEX	
BLOCK 34		BLOCK 33		BLOCK 32	
BLOCK 31		BLOCK 30		BLOCK 29	
BLOCK 28		BLOCK 27		BLOCK 26	
BLOCK 25		BLOCK 24		BLOCK 23	
BLOCK 22		BLOCK 21		BLOCK 20	
BLOCK 19		BLOCK 18		BLOCK 17	
BLOCK 16		BLOCK 15		BLOCK 14	
BLOCK 13		BLOCK 12		BLOCK 11	
BLOCK 10		BLOCK 9		BLOCK 8	
BLOCK 7		BLOCK 6		BLOCK 5	
BLOCK 4		BLOCK 3		BLOCK 2	
BLOCK 1		BLOCK 0		BLOCK -1	

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 August 30
ZAR-00-24
Gourley Neighbourhood

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning – 158 and 166 Stone Church Road
West (PDC00149)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-00-24 – 158 and 166 Stone Church West, James Zaborsky and Bestco Construction Corporation, prospective owners, requesting a change in zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, for property located at 158 and 166 Stone Church Road West, as shown on the attached map marked as APPENDIX “A”, on the following basis:

- (a) That the subject lands be rezoned from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District for lands located at 158 and 166 Stone Church Road West, as shown on the attached map marked as APPENDIX “A”.

The effect of the by-law is to permit the future development of the rear portion of the subject lands, in conjunction with lands to the north, to complete three (3) single-family dwelling lots fronting onto Annabelle Street. In addition, the two existing single-family dwellings fronting onto Stone Church Road West will be retained.

*P. Mason
for L.A.C.*

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

Proposal

The applicant is proposing to rezone the subject lands, 158 and 166 Stone Church Road West (APPENDIX "A"), from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to complete three (3) new single-family dwelling lots fronting onto Annabelle Street.

The Committee of Adjustment, at their meeting of July 19, 2000 approved three related severance applications (B-00:43, B-00:44 and B-00:45). The effect of the applications is to allow the rear portions of 158 and 166 Stone Church Road West to be developed in conjunction with Blocks 8 and 9 of Registered Plan 62M-890 "Annabelle Place" completing three single family dwelling lots fronting onto Annabelle Street (see APPENDIX "B"). The existing single family dwellings on the front portions of 158 and 166 Stone Church Road West will be maintained (Parts 6 and 7 on APPENDIX "B"). The proposal satisfies condition (vii) of Draft Plan Approval for "Annabelle Place" to develop Blocks 8 and 9 in conjunction with the subject lands. In addition, severance applications B-00:43, B-00:44 and B-00:45 are conditional upon finalization of this rezoning application.

APPLICANT:

James Zaborsky and Bestco Construction Corporation, prospective owners.

LOT SIZE AND AREA:

The subject lands have:

- A lot frontage of 52.65 m (172.74 feet) on Stone Church Road West;
- A lot depth of 77 m (252.6 feet); and,

- A lot area of approximately 0.4 ha (1 acre).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwellings	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north And west	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single family dwelling	"B-1" (Suburban Agriculture and Residential, etc.) District, modified
To the south	Single family dwelling and vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C. 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and area, building height, coverage, mass, setbacks, privacy and overview.
 - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" in the approved Gourley Neighbourhood Plan. The proposal complies with the intent of the plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no comment or objection.
- The Community Planning and Development Division (Building Department) advise:
 - "1. Every lot in the proposed "C" District shall have a width of at least 12.0 m (39.37') and an area of at least 360.0 m² (3875.13 ft.²). No proposal submitted.
 2. The two (2) existing dwelling units require demolition permits in the normal manner.
 3. Subject to severance or subdivision application for future lots."
- The Community Planning and Development Division (Development Engineering Section) advise:

"...we advise that there are public watermain and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Stone Church Road West is 30.48 m. In accordance with this designation, the applicant/owners should be advised of a future road allowance widening of 5.18 m to establish the property line 15.24 m from the centreline of the original Stone Church Road West road allowance.

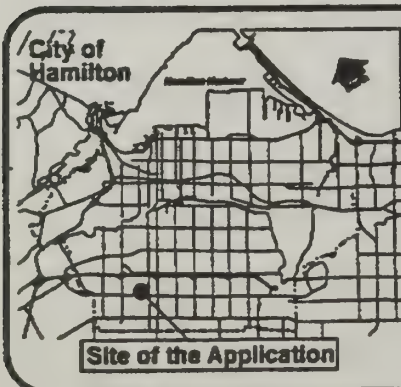
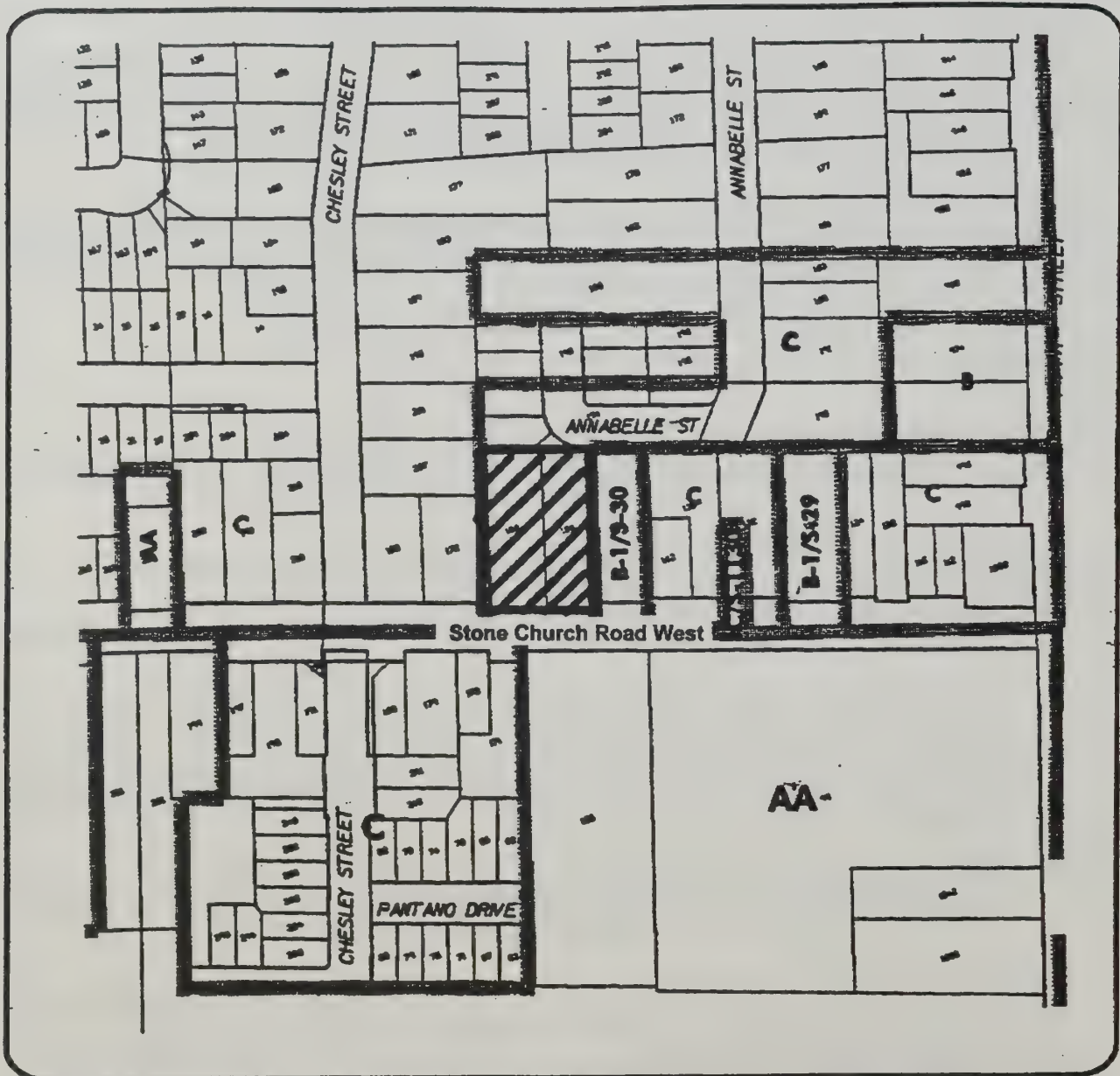
We understand that the recovery of all outstanding costs on Annabelle Street, the lifting of the .3 m reserve, etc. will be addressed through the Land Severance Applications submitted for the rear lands."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Gourley Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of the Official Plan and the approved Gourley Neighbourhood Plan;
 - The proposed single-family residential development represents appropriate infill development, and is consistent with the established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Annabelle Street; and,
 - It fulfils conditions of the related Land Division applications B-00:43; B-00:44 and B-00:45 and plan of subdivision 62M-890.
3. The Development Engineering comments note that the recovery of all outstanding costs, the lifting of the .3 m reserve, etc. will be addressed through the Land Severance Applications.

CONCLUSION:

Based on the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend

Change in zoning:



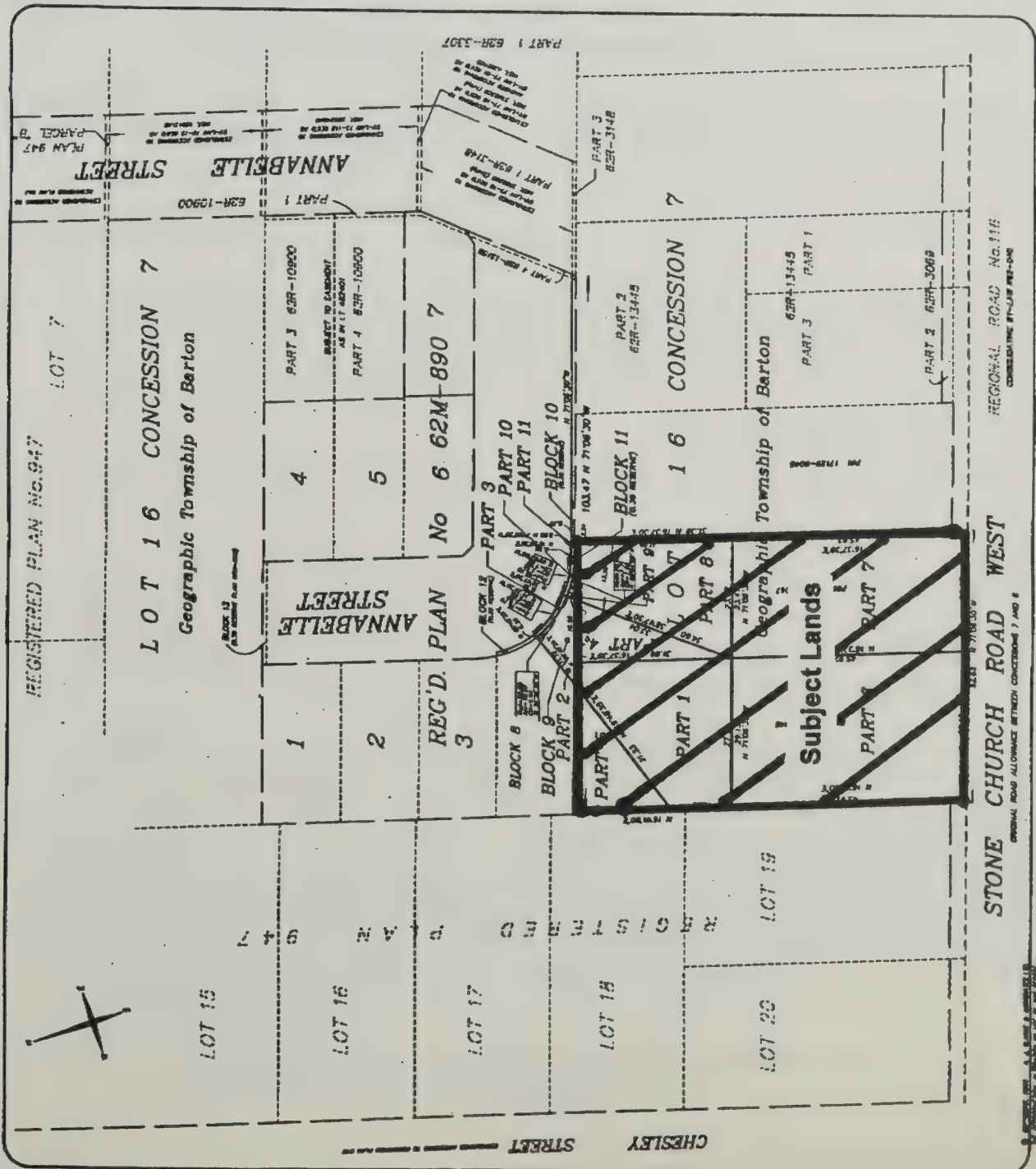
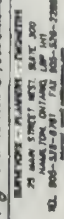
from "AA" (Agricultural) District to "C"
(Urban Protected Residential, etc.) District

Reference No:
ZAR-00-24

Scale
Not to Scale

Date
JUNE 2000

Technician:
D.L.



**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: September 5, 2000
ZAC-00-25
Riverdale East Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for an Official Plan Amendment and for changes in zoning for lands located east of Lake Avenue North and south of Strawberry Drive (PDC00153)

RECOMMENDATION:

- A. That approval be given to Official Plan Amendment No. ____, for lands located east of Lake Avenue North and south of Strawberry Drive to redesignate the subject lands from "Residential" to "Commercial" to permit the use of the subject lands for commercial development.
- B. That the following new policy be added to Subsection A.2.9.3 – Other Special Policy Areas as Policy A.2.9.3.79:
- "Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 84, and located east of Lake Avenue North and south of Strawberry Drive, only parking uses in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted."
- C. That approval be given to Amended Zoning Application ZAC-00-25, by Hi-Tech Banking Facilities Incorporated, owner, for changes in zoning from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "1"); from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "2"); and, from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "3"), for lands located east of Lake Avenue North and south of Strawberry Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District;

- (ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District; and,
- (iii) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District;
- (iv) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 13C(1), only a parking area in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted;
 - b) That no vehicular access to or egress from Lake Avenue North and Strawberry Drive shall be permitted;
 - c) That in addition to the requirements of Section 13C(4), a landscaped planting area having a total area of not less than 40% of the total lot area shall be provided and maintained; and,
 - d) That in addition to the requirements of Section 13C(4)(iii) of By-law No. 6593, a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained within the required planting strip adjacent to the northerly and westerly lot lines.
- (v) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines.
- (vi) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 6.0 m in width shall be provided and maintained along the northerly lot line;

- b) That notwithstanding Section 13C(4)(ii) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the easterly lot line.
- (vii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
 - a) the owner has applied for and received final approval for a site plan control application for the use of the subject lands as a public parking lot.

City Council may remove the 'H' symbol, and thereby give effect to the "G-3" (Public Parking Lots) District, as amended by the special requirements of Section C(iv), C(v) and C(vi), as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;
- (viii) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council;
- (ix) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-125 be notated as S- ; and,
- (x) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. ___ by the Region of Hamilton-Wentworth.

EXPLANATORY NOTE:

Application for an Official Plan Amendment:

An application for an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" to permit the use of the subject lands for commercial development. In addition, the subject lands will be identified as a Special Policy Area to restrict the use of the subject lands to a parking area in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek.

Application for Changes in Zoning:

An application for changes in zoning has been made on the following basis as

shown on the attached map:

- Block 1 - From "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District;
- Block 2 - From "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District; and,
- Block 3 - From "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District.

The effect of the proposed Official Plan Amendment and changes in zoning is to permit the development of the subject lands for parking accessory to the proposed bank being developed on the southerly portion of the lands located in the City of Stoney Creek.

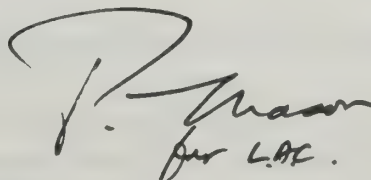
In addition, the By-law provides for the following variances, as special requirements, applicable to the subject lands:

- a) restricts the use of the subject lands to vehicular parking in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek;
- b) prohibits vehicular access from Lake Avenue North and Strawberry Drive for that portion of the subject lands located within the City of Hamilton;
- c) requires that a landscaped planting area having a minimum width of 3.0 metres, and a total area of not less than 40% of the total lot area shall be provided and maintained along the entire street line of the lot. In addition, the landscaped area shall be a minimum width of 6.0 m along the northerly lot line of Block "3", whereas the provisions of the Zoning By-law require that a landscaped area having an average width of 2.0 m (but not less than 1.0 m) be provided and maintained;
- d) requires that a visual barrier, between 1.2 m and 2.0 m in height be provided and maintained along the northerly and westerly lot lines whereas under the provisions of the Zoning By-law a visual barrier would not be required along Strawberry Drive and Lake Avenue North; and,
- e) permits the visual barrier to be located within the landscaped planting strip along the northerly lot line whereas the provisions of the Zoning By-law require the visual barrier to be located along the lot line.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "G-3" District zoning. The holding provisions will prohibit development of the

subject lands until the following condition is fulfilled:

- a) the owner applying for and receiving final approval for a site plan control application for the use of the subject lands for parking accessory to the proposed bank being developed on the southerly portion of the lands located in the City of Stoney Creek.



J. P. Maas
for L.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for an Official Plan Amendment and changes in zoning to permit the development of the subject lands for parking accessory to the proposed bank being developed on the southerly portion of the lands located in the City of Stoney Creek (see APPENDIX "B").

Zoning Application 89-113

City Council, at its meeting of September 24, 1991, approved Zoning Application 89-113 (see APPENDIX "C"). The purpose of this application was for an Official Plan Amendment and changes in zoning to permit the use of the subject lands for parking purposes in conjunction with the abutting lands to the south located in the City of Stoney Creek. Official Plan Amendment No. 103 was subsequently adopted by City Council.

The implementing zoning by-law was to be held in abeyance until such time as the applicant applies for and receives Site Plan Approval. As the applicant had not proceeded with site plan approval, OPA No. 103 was subsequently repealed by City Council in 1994.

APPLICANT:

HiTech Banking Facilities, Inc., owner.

AGENT:

A.J. Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- approximately 80 m of lot frontage along Strawberry Drive;
- 10.250 of lot frontage along lake Avenue North; and
- a lot area of 1,400 m² located within the City of Hamilton.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District (Block "1"); "C" (Urban Protected Residential, etc.) District (Block "2"); and "C" (Urban Protected Residential, etc.) District, modified, District (Block "3").
<u>Surrounding Land Use</u>		
To the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Vacant Lands	N/A (located in the City of Stoney Creek – zoned for commercial uses)
To the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" of the Official Plan. An Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" to permit the use of the subject lands for commercial development is required. In addition, the following policies, among others, would apply:

- "2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

- 2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
 - i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

- 2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

- 2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

- 2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses. "

It is noted that Subsection A.2.2 of the Official Plan requires that where commercial uses are proposed to be developed adjacent to residential land uses then the access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the commercial use mitigated. In this regard, the proposed development would comply with the Official Plan subject to the incorporation of the proposed site specific zoning provisions with respect to visual barrier, landscaped planting strip and vehicular access.

The redesignation of the subject lands from "Residential" to "Commercial" would permit the development of the subject lands for any commercial use. To provide for a degree of certainty regarding the use of the subject lands, and to prevent pressures for the expansion of the existing commercial uses along Queenston Road into the established residential area, the subject lands should be placed within a Special Policy Area. This would restrict the use of the subject lands for parking, provided that the parking is in conjunction with a commercial use located on the adjoining lands (i.e. 917-931 Queenston Road).

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Riverdale East Neighbourhood Plan. The proposal complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division have advised that they have no objection to the proposed changes in zoning.
- The Building Department, Community Planning and Development Division have advised of the following:

"The Zoning by-law applies only to the lands and uses within the City of Hamilton, namely a parking area for a retail bank branch on the lands flanked by Strawberry Drive and Lake Avenue.

Requirements are met, except as follows:

1. Landscaping must be provided to a minimum width of 1.0m and average depth of 2.0m along the Lake Avenue and Strawberry Drive street lines.
2. A planting strip and a 1.2 to 2.0 m high visual barrier are required along the east property line abutting the residential district. The planting strip must be a minimum 1.5 m wide except for the northernmost 6.0 m ending at Strawberry Drive, which must be a minimum 3.0 m wide.

3. The manoeuvring spaces provided for the parking spaces immediately to the south in Stoney Creek must be at least 6.0 m in length, and the access drive at either end at least 5.5 m in width.
 4. The development on the lands in Hamilton is subject to site plan control.
 5. The fire requirements of O.B.C. 3.2.5 must be met."
- The Development Engineering Section, Land Development Department have verbally advised that the applicant/owner will be responsible for paying all outstanding servicing costs to the City and region adjacent to the 0.3 metre reserve on Strawberry Drive.
 - The City of Stoney Creek have advised that they have no objection to the proposed changes in zoning.
 - The Hamilton Region Conservation Authority have advised that they have no objection to the proposed changes in zoning.

COMMENTS:

1. The proposal does not comply with the Official Plan. An Official Plan Amendment is required to redesignate the subject lands from "Residential" to "Commercial" to permit the use of the subject lands for parking and manoeuvring in conjunction with the abutting lands to the south.

To provide for a degree of certainty regarding the use of the subject lands, and to prevent pressures for the expansion of the existing commercial uses along Queenston Road into the established residential area, the subject lands should be placed within a Special Policy Area. This would restrict the use of the subject lands for parking, provided that the parking is in conjunction with a commercial use located on the adjoining lands (i.e. 917-931 Queenston Road).
2. The proposal complies with the intent of the approved Riverdale East Neighbourhood Plan in that the subject lands are designated for commercial uses.
3. The application has merit and can be supported for the following reasons:
 - It implements the approved Riverdale East Neighbourhood Plan, which designates the subject lands "Commercial";
 - The proposal represents infill development on an irregularly shaped parcel of land, which would not be feasible for development independently;

- Access onto Strawberry Drive and Lake Avenue North will not be permitted for that portion of the subject lands located within the City of Hamilton; and,
 - The proposal is compatible with the surrounding land use pattern.
4. The previous development approval for the subject lands contained site specific measures to adequately buffer the proposed parking area from the existing residential uses. Specifically, the following provisions were required:
- A 3.0 m wide landscaped planting strip was required along the easterly property line;
 - A 1.5 m wide planting strip was required along the northerly and westerly property line;
 - A visual barrier, of not less than 1.2 m and not more than 2.0 m, was required along the northerly, westerly and easterly property lines (except for any areas used for vehicular access); and,
 - No vehicular access to or egress from Strawberry Drive was permitted.

Visual Barrier: Under the provisions of the Zoning By-law, a visual barrier is required along the easterly lot line but not along the northerly lot line. As the subject lands are located immediately adjacent to single family residential uses to the north and west, a 1.2 m - 2.0 m high visual barrier should be required to be provided and maintained along the northerly and westerly lot lines, to minimize potential externalities on the adjacent residential uses. However, in order to provide for design flexibility at the site plan review stage, the visual barrier should be permitted to be located within the landscaped planting strip to avoid a "blank wall" effect along Strawberry Drive.

Vehicular Access: The subject lands are being developed in conjunction with the abutting lands for a bank. The bank will be oriented towards Queenston Road. As such, it is appropriate to prohibit vehicular access to/from the subject lands from Strawberry Drive and Lake Avenue.

Landscaped Planting Strips: The subject lands abut single detached dwellings along the easterly lot line. In accordance with the previous development approvals and based on the concept plan submitted by the applicant (see APPENDIX "B"), and to provide sufficient area for landscaping, a landscaped planting area having a minimum width of 3.0 metres, and a total area of not less than 40% of the lot area should be provided and maintained along the entire Lake Avenue and Strawberry Drive frontage.

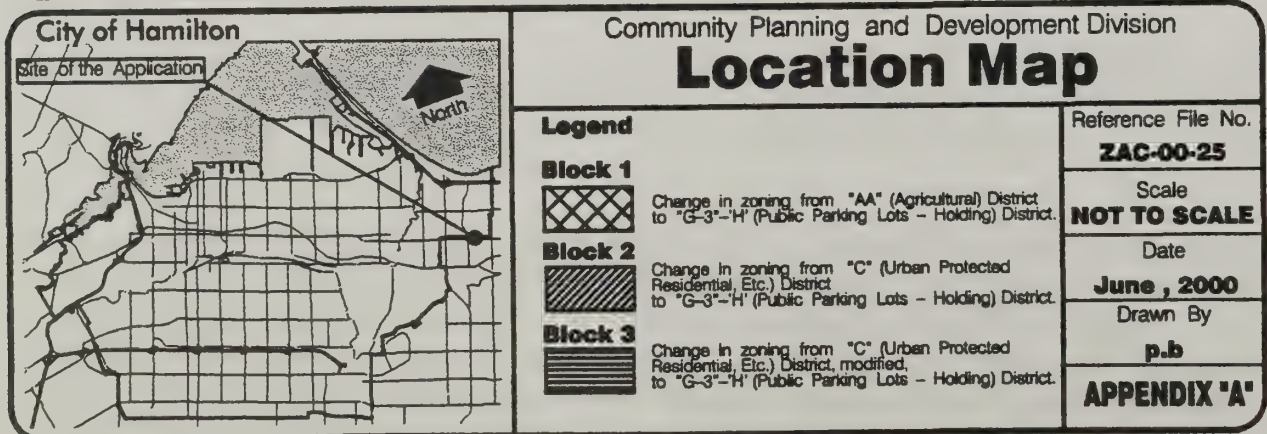
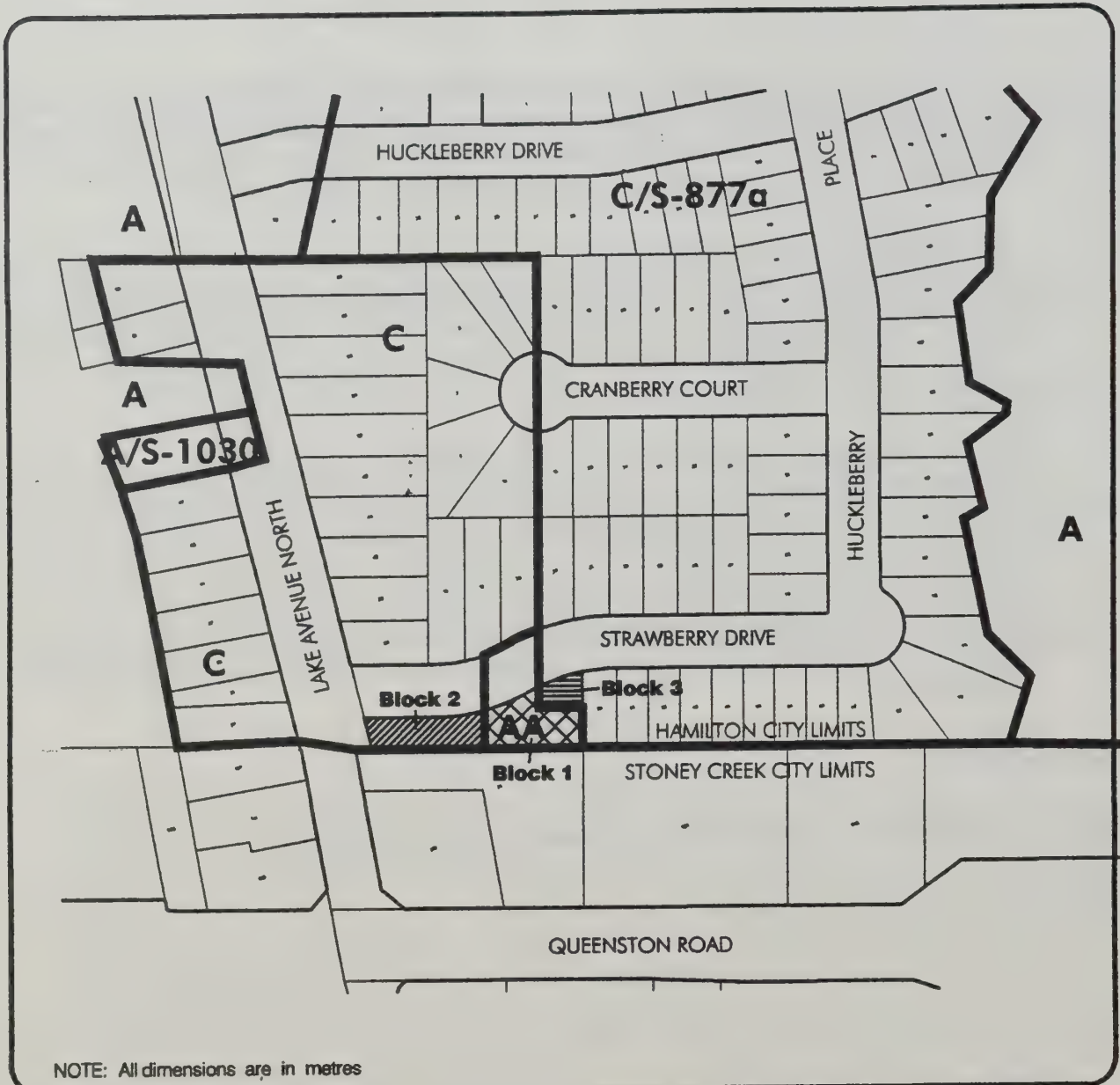
To provide for a transition from the parking area and the abutting existing residential uses which front onto Strawberry Drive, the size of the landscaped planting strip should be increased to 6.0 m for Block "3" in accordance with the front yard setback requirements of the abutting "C" District.

It is noted that Subsection A.2.2 of the Official Plan requires that where commercial uses are proposed to be developed adjacent to residential land uses then the access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the commercial use mitigated.

5. The "G-3" District is subject to Site Plan Control. However, because a Building Permit is not required prior to the use of the subject lands for a public parking lot, it is appropriate to place the subject lands in a holding zone until such time as the owner applies for and receives final approval for a site plan control application for the use of the subject lands as a public parking lot. This is to ensure that matters such as grading, landscaping, and fencing have been approved prior to any construction commencing on the portion of the lands located within the City of Hamilton.

CONCLUSION:

Based on the foregoing, the amended applications can be supported.

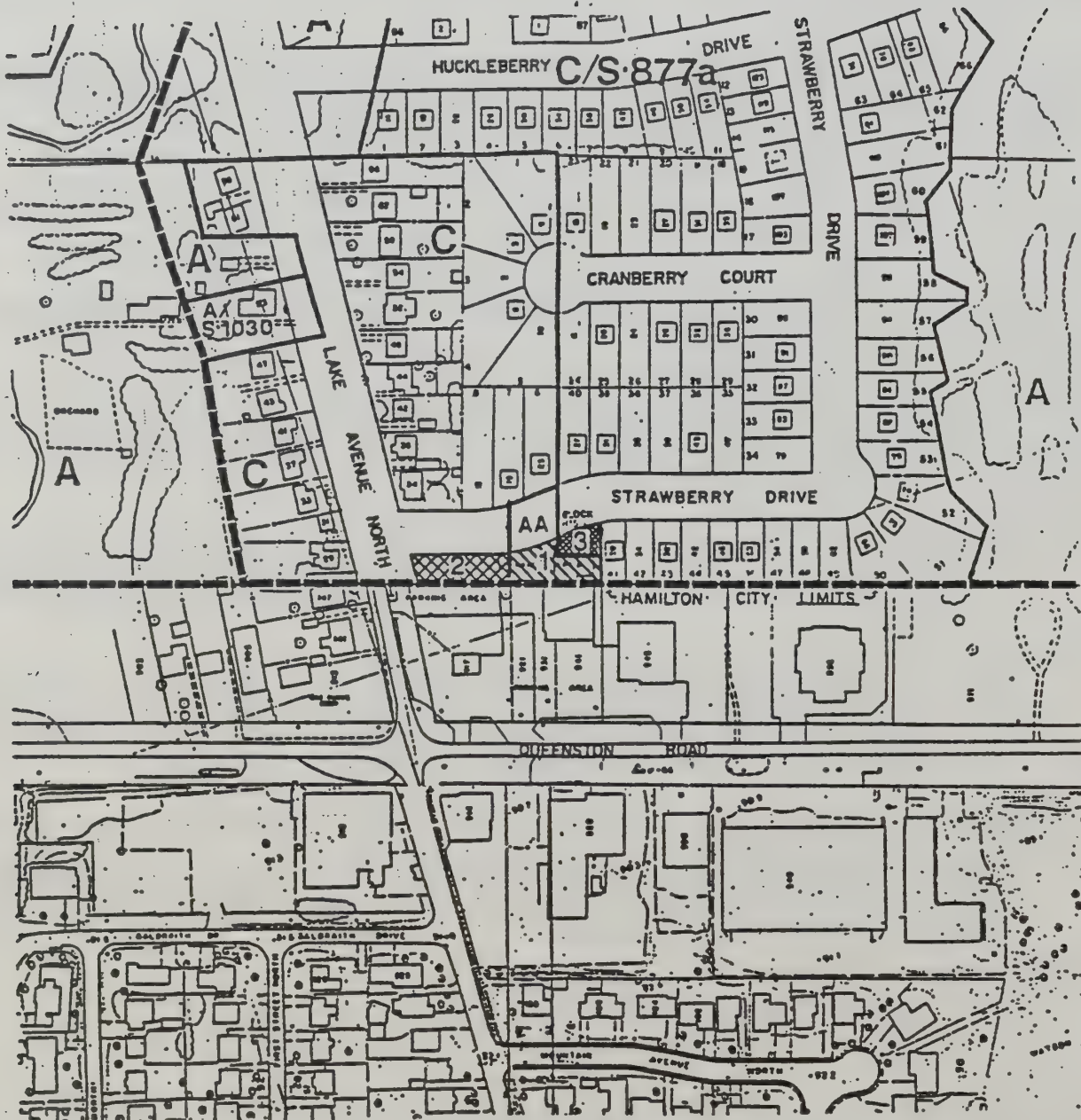


CITY COUNCIL

September 24, 1991




- 17.(A) That approval be given to Official Plan Amendment No.103 for the establishment of a Special Policy Area, to permit the parking use within the "Residential" designation, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That approval be given to Zoning Application 89-113, 546544 Ontario Inc. (Juraj Sulug - President and Secretary Treasurer), owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for Block "1", from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for Block "2", and from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" (Public Parking Lots) District for Block "3", to allow the use of the subject lands for parking purposes, in conjunction with an adjacent existing commercial use at 921 Queenston Road, for property located on the south side of Strawberry Drive, east of Lake Avenue North, (rear of 921 Queenston Road East), shown as Blocks "1", "2" and "3" on the attached map marked as Appendix "F", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;
 - (c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District;
 - (d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-Law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13C, only a parking lot used in conjunction with the commercial use located on adjoining lands at 921 Queenston Road in the City of Stoney Creek shall be permitted;
 - (ii) That a visual barrier not less than 2.0 m in height, excluding vehicular access, shall be provided and maintained along the northerly, westerly and easterly property lines;

- *****
- (iii) That a planting strip of not less than 1.5 m in width, excluding vehicular access, shall be provided and maintained along the northerly and westerly property lines;
 - (iv) That a planting strip of not less than 3.0 m in width, shall be provided and maintained along the easterly property line;
 - (v) That no vehicular access to or egress from Strawberry Drive shall be permitted.
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1245, and that the subject lands on Zoning District Map E-125 be notated S-1245;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council; and,
- (g) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.103 by the Region of Hamilton-Wentworth.
- (C) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives Site Plan approval, including the payment of all outstanding servicing costs to the City and Region adjacent to the 0.3 m reserve on Strawberry Drive.



Legend

Proposed change in zoning from :

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "G-3" (Public Parking Lots) District. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District, modified to "G-3" (Public Parking Lots) District. |

Appendix "F" as referred
to in Section 17(B) of the
THIRTEENTH Report for 1991
of the Planning and
Development Committee



2.4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 September 7
OP-HAR(M)
CI-98-C

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Windermere Basin - Official Plan and Zoning By-law
Amendments (PDC00147)

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. 167 to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, and delete Policy A.2.9.3.2 and replace it with a new policy. The General Manager, Community Planning and Development Division be authorized and directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth;
- (b) That By-laws No. 98-313 and 99-268 applicable to the subject lands be repealed in their entirety; and,
- (c) That approval be given to City Initiative CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to: "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District, modified (Blocks "1", "2" and "3") to permit development for open space and recreational uses; "F-4" - 'H' (Special Waterfront Services - Holding) District, modified (Block "4") to permit expansion of existing industrial uses to the west; "F-2" (Open Water) District (Block "5") to recognize the existing open water area, and "K" - 'H' (Heavy Industry, etc. - Holding) District (Block "6") to permit expansion of existing heavy industry; and a further modification to the "F-4" (Special Waterfront Services)

District regulations (Block "7"), all for the lands and water area located west of Eastport Drive, south of Pier 25, known as Windermere Basin, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2", "3", "4" and "6" by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:

- (1) the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;
- (2) the owner submits an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,
- (3) the owner prepares and submits a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled;

- (ii) That Blocks "1", "2" and "3" be rezoned from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District;
- (iii) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3" be modified to include the following variance as a special requirement:
 - (1) That notwithstanding Section 7(1), the following uses shall also be permitted: visitor centre, museum, trail centre, and information centre.

- (iv) That Block "4" be rezoned from "L-s" (Planned Development - Special Study) District to "F-4" - 'H' (Special Waterfront Services - Holding) District;
- (v) That the "F-4" (Special Waterfront Services) District regulations as contained in Section 12D of Zoning By-law No. 6593, applicable to the lands comprised of Block "4", and as modified by Ontario Municipal Board Order dated February 20, 1998, applicable to Block "7", are amended to the extent only of the following requirements:
 - (a) That notwithstanding Section 12D(1), only the following uses shall be permitted:

<u>Identification Number</u>	<u>Permitted Use</u>
1. 4542	Ferry Industry
2. 4543	Marine Towing Industry;
3. 4544	Ship Chartering Industry;
4. 4549	Other Water Transport Industries;
5. 4551	Marine Cargo Handling Industries;
6. 4552	Harbour and Port Operation Industry;
7. 4553	Marine Salvage Industry;
8. 4554	Piloting Service, Water Transport Industry;
9. 4555	Marine Shipping Agencies Industry;
10. 4552	Other Service Industries Incidental to Water Transport;
11. 3271	Shipbuilding and Repair Industry;
12. 3281	Boatbuilding and Repair Industry;
13. 9841	Labour Organizations;
14. 4561	General Freight Trucking Industry;
15. 4565	Forest Products Trucking Industry;
16. 4569	Other Truck Transport Industry;
17. 4562	Used Goods Moving and Storage Industry;
18. 4592	Freight Forwarding Industry;
19. 459	Other Service Industries Incidental to Transportation, n.e.c.;
20. 4791	Refrigerated Warehousing Industry;
21. 4799	Other Storage and Warehousing Industries, nec;
22. 5999	Other Products n.e.c., Wholesale limited to Chandlers;

23.	7794	Customs Broker;
24.	9211, 9212	Restaurants (licensed and unlicensed);
25.	9213	Take-out Food Services;
26.	9214	Caterers;
27.	9221	Taverns, Bars and Night Clubs;
28.	3521	Hydraulic Cement Industry;
29.	3551	Redi-Mix Concrete Industry;
30.	5999	Chandler engaged in supply or outfitting of boats;
31.	7021,7031,705	Bank, trust company or credit union;
32.	8521	Marine related commercial school;
33.	9919, 654	Sale and rental of recreational equipment including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles;
34.	Not Classified	Accessory business office;
35.	868	Laboratory;
36.	9654	Boat Rental and Marina;
37.	9961	Ticket and Travel Agencies;
38.	9962	Tour Wholesaler and Operators;
39.	Not Classified	Shipping, Transshipping and Distribution Depot;
40.	635	Motor Vehicle and Equipment Repair Shop except paint and autobody repair;
41.	8641	Day Nursery;
42.	868	Research Establishment/Laboratory;
43.	481	Telecommunications Broadcasting Industry;
44.	Not classified	Heliports and Seaplane Operations;
45.	484	Postal and Courier Service Industry;
46.	171	Leather and allied products industries, except leather tanneries;
47.	24	Clothing Industry;
48.	279	Paper Box, Bag and other converted paper products industry;
49.	28	Printing, publishing and allied industry;
50.	3029	Fabricated metal products industry;
51.	339	Electrical products industry;
52.	391	Scientific and professional equipment industry;
53.	392	Jewellery and precious metal industry;
54.	393	Sporting goods and toy industry;
55.	397	Sign and Display Industry;

56.	Not classified	Light manufacturing assembly industry;
57.	42	Trade contracting industry;
58.	Not classified	Truck, machinery and equipment sales, rental and repair;
59.	199	Textiles and textiles products industries;
60.	103	Fruit and vegetable industry other than processing;
61.	104	Dairy products industry other than processing;
62.	107	Bakery products industry;
63.	2549	Millwork industry;
64.	2541	Wooden buildings industry;
65.	25	Wood products factory;
66.	26	Furniture industry;
67.	31	Machinery industry;
68.	32	Transportation equipment industry;
69.	33	Electronic products industry;
70.	351	Clay products industry;
71.	354	Concrete products industry;
72.	3562	Glass products industry;
73.	Not Classified	Small metal wares factory;
74.	60,51,77	Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques;
75.	9692	Amusement parks;
76.	654	Establishments for the sale of bait;
77.	77,81,82,83,84,86,85,91,92,96,97,98,99	Service industries;
78.		Accessory Uses: (a) Accessory buildings, structures or uses; (b) Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

- (b) That Section 12D(2) be amended to delete the words "Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE", and replace with "All the foregoing uses", so the entire introduction reads as follows:

"All the foregoing uses that are not for the bona fide purposes of shipping and navigation, shall comply with the following:"

- (vi) That Block "5" be rezoned from "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District;
- (vii) That Block "6" be rezoned from "L-s" (Planned Development - Special Study) District to "K" - 'H' (Heavy Industry, etc - Holding) District;
- (viii) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c be notated S- ;
- (ix) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c for presentation to City Council; and,
- (x) That the proposed changes and modification in zoning will be in conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 167 by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the Official Plan Amendment is to redesignate the subject lands from "Special Policy Area: Windermere Basin" to "Open Space", "Open Water", "Shipping and Navigation Uses" and "Industrial" on Schedule 'A' - Land Use Concept, and to delete Policy A.2.3.9.2 and replace it with a new policy.

The purpose of the by-law is to provide for changes in zoning from "L-s" (Planned Development -Special Study) District to: "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District (Blocks "1", "2" and "3"); "F-4" - 'H' (Special Waterfront Services - Holding) District, modified (Block "4"); "F-2" (Open Space) District (Block "5"); "K" - 'H' (Heavy Industry, etc - Holding) District Block "6", and to provide for a further modification to the "F-4" (Special Waterfront Services) District, for lands located west of Eastport Drive, south of Pier 25, known as Windermere Basin, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to:

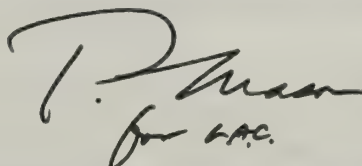
- permit development of Block "1", "2", and "3" for open space and recreation uses;
- permit development of Blocks "4" and "7" for industrial uses in conjunction with lands to the west;
- recognize the open water area of Block "5"; and,
- permit development of Block "6" for industrial uses in conjunction with adjacent lands to the south.

The by-law also permits additional uses on Blocks "1", "2", and "3" including a visitor centre, museum, trail centre and information centre.

The amending by-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2", "3", "4" and "6" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as:

- (1) the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;
- (2) the owner submits an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality issues; and,
- (3) the owner prepares and submits a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled.



T. Mason
for C.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

On June 28, 2000, the Federal Government, the Hamilton Harbour Commissioners and the City of Hamilton signed a Memorandum of Understanding and Agreements in Principle regarding a number of issues related to the Hamilton Harbour. Appended to the Memorandum is a draft agreement between the City and the Harbour Commissioners. A major component of the draft agreement is the transfer of the ownership of the land and water area of the Basin to the City and finalization of the outstanding land use matters (see APPENDIX "B" attached). To implement this portion of the agreement, a draft Official Plan amendment and zoning by-law amendment have been prepared for consideration at a public meeting of the Planning and Development Committee.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan amendment and Zoning By-law Amendment.

BACKGROUND:

Windermere Basin is designated "Special Policy Area - Windermere Basin" on Schedule 'A' - Land Use Concept and Special Policy Area 4 on Schedule 'B' - Special Policy Areas of the Official Plan. Policy A.2.9.3.2 states:

"The Windermere Basin which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendation of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."

In accordance with the Official Plan policy, the area was zoned "L-s" (Planned Development - Special Study) District by By-laws 83-240 and 83-232. The "L-s" District requires that this area may be rezoned "to an appropriate district in keeping with the findings of the Special Waterfront Study for the area so designated." The Windermere Basin Study" (June 1997) was prepared in accordance with Official Plan Policy.

The study was comprehensive and addressed relevant matters such as, amongst others:

- the establishment and findings of the Windermere Basin Working Committee;
- planning controls;
- dredging and filling initiative;
- existing land use;
- services;

- identification of issues;
- the Hamilton Harbour Commissioners' jurisdiction;
- six (6) land use options; and,
- public consultation and implementation.

The Planning and Development Committee held a Public Meeting on September 24, 1997 to consider the findings of the Windermere Basin Study. The Study supported Option 6 which proposed industrial uses on the east and west sides of the water, and a strip of open space adjacent to the water area (see APPENDIX "C" attached).

The Committee endorsed Option 4 in principle which proposed open space and park and recreational uses on the land area, and open water on the water area (see APPENDIX "D" attached). The Committee directed staff to prepare the appropriate amendments to the Official Plan and Zoning By-law. These were considered by Planning and Development Committee at a Public Meeting on November 18, 1998, and passed by City Council on November 24, 1998. Subsequently, at their meeting of December 15, 1998, City Council repealed the amendments and passed an "interim control by-law" (By-law No. 98-313) to enable a study to be undertaken of the land use policies for Windermere Basin. The Hamilton Harbour Commissioners appealed this By-law to the Ontario Municipal Board. The hearing was adjourned on the consent of the parties.

City Council, on November 30, 1999 passed By-law No. 99-268 to extend the time period for interim control one more year. This By-law expires on December 15, 2000, at which time the lands will revert to the zoning in place, "L-s" (Planned Development – Special Study) District, prior to the passage of the interim control by-laws.

DISCUSSION:

As noted previously, the Federal Government, the Hamilton Harbour Commissioners and the City of Hamilton signed a Memorandum of Understanding and Agreements in Principle regarding a number of issues related to the Hamilton Harbour. In the draft agreement between the City and the Harbour Commissioners it is intended to transfer the ownership of the land and water area of the Basin to the City, as well as the finalization of other outstanding land use matters. The agreement also contemplates that Blocks "4", "6" and "7" will remain in the ownership of the Harbour Commissioners. Accordingly, a draft Official Plan amendment and zoning by-law amendment have been prepared for consideration.

The agreement proposes a modified "F- 4" (Waterfront Services) District zoning for Blocks "4" and "7", and "K" (Heavy Industry) District for Block "6". Block "7" had previously been rezoned to "F-4" (Waterfront Services) District, modified by Ontario Municipal Board Order dated February 28, 1998. The draft agreement contemplates a further limitation on the nature of industrial uses permitted "F-4" (Waterfront Services) District. In this regard, uses

which were considered to have a negative impact on adjacent residential uses, or may have a less aesthetic quality (eg. grain elevator, distillery, brewery, liquid bulk storage, recycling industry, rubber and plastic industry) were removed from the list of "F-4" District modified uses approved on Piers 25, 26 and 27.

The use of these Blocks for industrial and related uses is considered an appropriate extension and rounding out of the existing development at Eastport (Piers 25, 26 and 27). Likewise the rezoning of Block "6" to "K" (Heavy Industry, etc.) District is a minor extension of existing heavy industrial development on the south side of Windermere Basin.

The land use proposals arising out of the draft agreement noted are similar to the open space option endorsed by the City as a result of the Windermere Basin Study. The open space uses as contemplated by the draft agreement can be supported on the same basis as the City's original support of Option 4 of the Windermere Basin Study and as detailed in APPENDIX "E" attached.

There were a number of issues raised in the Windermere Basin Study and through related public consultation which should be considered as part of this initiative. These include:

- contaminated soils and the need for a Record of Site Condition;
- aquatic and terrestrial habitat and the need of an Environmental Impact Statement;
- water quality and stormwater management plan;
- urban design guidelines and site plan control; and,
- open space and other land uses.

These matters are discussed in more detail in APPENDIX "F" attached, and support the need to apply the holding provision to Blocks "1", "2", "3", "4" and "6". In addition, it provides a rationale to incorporate urban design parameters for future urban design guidelines in the Official Plan, and to modify the "A" District provisions to permit additional uses.

SUMMARY:

In recognition of the various issues raised in the Windermere Basin Study, the City's original position supporting the Open Space option for this area and the City's present commitment to the June 28, 2000 draft agreement with the Hamilton Harbour Commissioners, it is appropriate to adopt an Official Plan amendment which will:

- redesignate the study area to "Open Space", "Open Water", "Shipping and Navigation Uses" and, "Industrial" on Schedule 'A' - Land Use Concept; and,
- delete Policy A.2.9.3.2 and replace with a new policy to:
 - permit additional uses including a visitor centre, museum, trail centre and information centre;
 - recognize the potential for site contamination and require a Record of Site Condition;
 - require an Environmental Impact Statement prior to any development to evaluate the impacts of the proposal on the Environmentally Significant Area and determine impacts of encouraging habitat given present soil and water quality concerns; and,
 - adopt urban design guidelines based on basic principles recognizing Windermere Basin as a unique area.

A draft of Official Plan Amendment No. 167 is attached as APPENDIX "G".

Further, it is appropriate to pass the implementing zoning by-law amendment which:

- rezones the lands from "L-s" (Planned Development - Special Study) District to "A" – 'H' (Conservation, Open Space, Park and Recreation – Holding) District, modified (Blocks "1", "2" and "3"), "F-4" – 'H' (Waterfront Services – Holding) District, modified (Block "4"), "F-2" (Open Water) District (Block "5") and, "K" – 'H' (Heavy Industry, etc. – Holding) District (Block "6");
- further modify the "F-4" (Waterfront Services) District (Block "7");
- apply the 'H' holding symbol to Blocks "1", "2", "3", "4" and "6" to be removed conditional on:
 - submission of a Record of Site Condition to the Region and the Ministry of Environment;
 - completion of an Environmental Impact Statement; and;
 - preparation of a stormwater management plan prior to development.

A draft zoning by-law amendment is attached as APPENDIX "H".

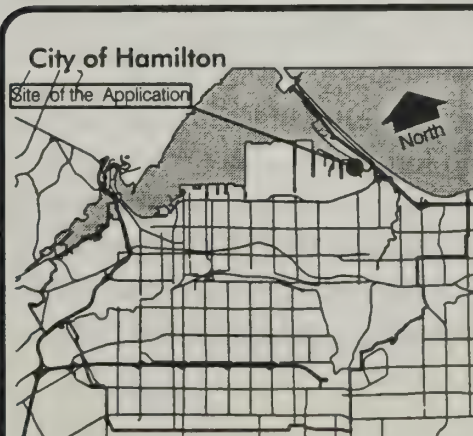
CONCLUSION:

Based on the foregoing, an amendment to the Official Plan and zoning by-law can be supported.

windermere basin/cityHHC agreement

ci-98-c

august 2000



Community Planning and Development Division

Location Map

Legend

- | | |
|---------|---|
| Block 1 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-TH (Conservation, Open Space, Park & Recreation - Holding) District. |
| Block 2 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-TH (Conservation, Open Space, Park & Recreation - Holding) District. |
| Block 3 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-TH (Conservation, Open Space, Park & Recreation - Holding) District. |
| Block 4 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "T-4"-TH (Special Waterfront Services - Holding) District. |
| Block 5 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "T-4"-TH (Special Waterfront Services - Holding) District. |
| Block 6 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "T-2" (Open Water) District. |
| Block 7 | Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "K"-TH (Heavy Industrial, etc. - Holding) District. |
| | Further Modification to the "T-4" (Special Waterfront Services) District Regulations. |

Reference File No.

CI-98-C

Scale

NOT TO SCALE

Date

August, 2000

Drawn By

L.M.

APPENDIX 'A'

1. Windermere Basin

- a) All the lands and lands under water encompassing the area of Windermere Basin shown on the attached Schedule 2 shall be conveyed to the ownership of the City of Hamilton.
- b) Prior to the conveyance of the Windermere Basin lands and lands under water to the City of Hamilton, HHC will terminate any and all leases affecting the lands to be conveyed. HHC will hold the City of Hamilton harmless from and against any claims, and from any costs and expenses arising in connection with the termination of any such leases.
- c) The parties mutually agree to introduce before City Council a zoning-by-law amendment with respect to the defined area of Windermere Basin, so conveyed to the City of Hamilton as outlined herein, to provide that it be zoned and maintained by the City of Hamilton as green and open space.
- d) The parties mutually agree to introduce before City Council a zoning-by-law amendment to provide for:
 - i) the "K" zoning on the defined areas outlined herein, on the south side of Windermere Basin lands and water; and
 - ii) with respect to the north-west section of Windermere Basin retained by HHC, a modified F-4 zoning in accordance with the attached Schedule 3.

HHC agrees that, in the event that Council of the City of Hamilton adopts the zoning by-law amendment for these lands in this paragraph and the preceding paragraph c), HHC will not challenge such modified zoning and will comply with the same in respect of these lands.

- e) With the transfer to the City of Hamilton of the Windermere Basin lands and lands under water, the parties agree that HHC will no longer have any responsibility for maintenance, dredging and greenscape development of the Windermere Basin lands and lands under water. Dredging of the Windermere Basin will be undertaken by the City of Hamilton in a timely manner to ensure the build-up of sediment will not impinge upon the shipping, navigation and transportation needs of the harbour's operations.



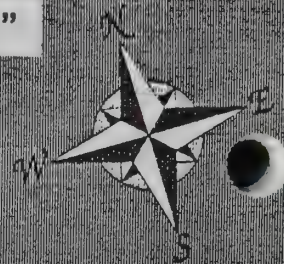
Sketch Illustrating Lands
to be Conveyed to the Corporation
of the City of Hamilton
Conveyed Lands

Windermere Basin

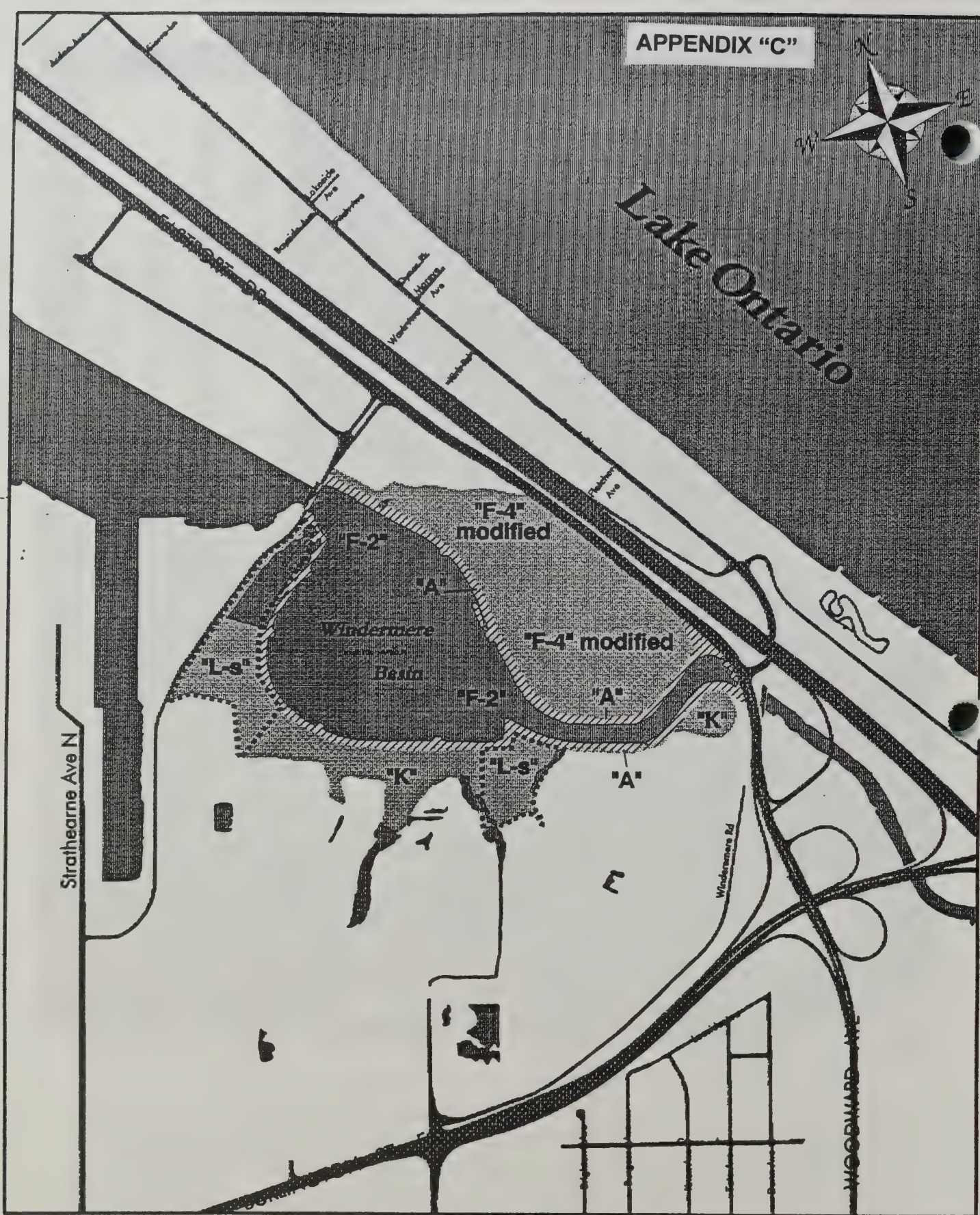
Lands to be
Zoned 'K'

Lands to be
Zoned 'Open Space'

APPENDIX "C"



Lake Ontario



City of Hamilton
Neighbourhood Location



LEGEND

Official Plan Designation



OPEN WATER

INDUSTRIAL

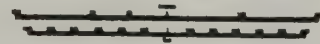
OPEN SPACE

OPTION 6

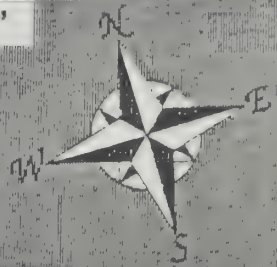
Latest Map Revision

WINDERMERE BASIN STUDY

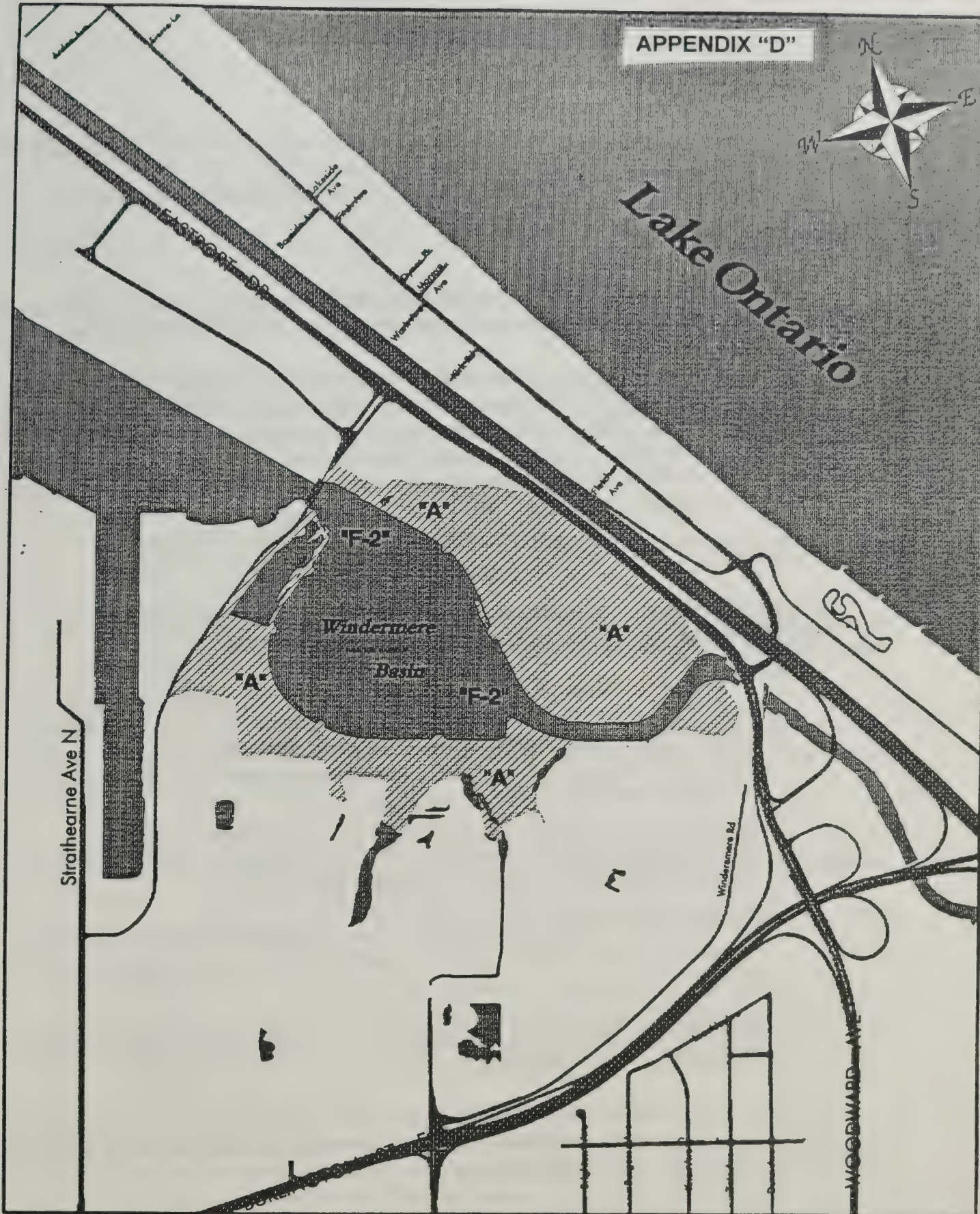
SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



Prepared for the City of Hamilton by the Planning and Development Department
Note: This is a not a legal document. For zoning and other legal matters, please consult the City Building Department.



Lake Ontario



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation



OPEN WATER
INDUSTRIAL
OPEN SPACE

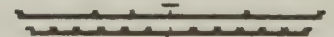
OPTION 4



Latest Plan Revision

WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



Revised: Show City of Hamilton by the Planning and Development Department
This map is not a legal document. For zoning regulations, please consult the City's zoning Ordinance.

SUPPORT FOR OPEN SPACE USES FOR WINDERMERE BASIN

• Aesthetics & Views

The reclaimed land area of Windermere Basin, comprising 24.4 ha (60.3 acres), is presently vacant and provides an opportunity to plan from a "greenfields" situation.

The area is highly visible of this area from the "Skyway Bridge" by thousands of vehicles travelling the QEW everyday. The high visibility offers opportunities to improve the City's overall image given its strategic location as a "gateway" to the City. Development of this area for open space and low intensity cultural/recreational activities will allow for more natural and "softer" landscape treatment. This will contribute to the City's "green image".

• Environmental

There are a number of environmental considerations in support of designating and zoning Windermere Basin "open space" including:

- this area has been recognized as an important ecological link between the Red Hill Creek, Hamilton Harbour and Lake Ontario and in this regard, is located between to between Van Wagners' Marsh and Hamilton Harbour which are designated in the Regional Official Plan as Environmentally Significant Areas (ESAs);
- Windermere Basin was included in the Natural Areas Inventory undertaken by the Region in the preparation of their Official Plan;
- the Hamilton Naturalist Club note that Windermere Basin is the last remaining of the original harbour marshes and its rich mudflats support migratory birds; and,
- the common tern colony on the spur dike is the largest, most important colony left on Lake Ontario.

These environmental considerations support the need to protect and enhance the environmental qualities the area which can be most effectively achieved with the open space designation and zoning.

Open space uses are, by their nature, less intense than the industrial uses and, will have less impact on the natural environment than industry. Further, there will

opportunities to maximize the natural qualities of the area and design it in such a way to minimize impacts and improve the natural environment (terrestrial and aquatic habitat).

- **Land Use**

The Open Space designation and zoning for Windermere Basin will have a number of advantages from a land use perspective:

- this is the last remaining open space opportunity on the south side of Hamilton Harbour. The central bayfront is intensely developed with heavy industry and, moving west there are the Harbour Commissioners lands developed for industry and marina activities and the City's Harbour West Park on the former Lax property;
- the study area is not adjacent to a dockwall, making them less attractive for shipping and navigation uses;
- the high visibility and accessibility make the area highly attractive from a tourism perspective. In addition, the area has natural and cultural features on which to build a tourist base including:
 - entrance/gateway to City for industry - potential to improve the views and thereby enhance the overall image of the City as a western gateway;
 - Red Hill Creek trail system;
 - proximity to Hamilton Museum of Steam and Technology;
 - direct access to the Harbour for limited recreational and tour boats;
 - proximity to Confederation Park and the Beach Strip;
 - presence of significant bird colonies and opportunities for bird watching
- Windermere Basin is at the centre of a provincial trail system, which includes the Red Hill Creek Trail, which connects the Bruce Trail on the Escarpment to the Lake Ontario Waterfront Trail along the Beach Strip. Linkages could also be established westerly to connect to Pier 4 and Harbour West Parks; and,
- open space uses will have considerably less impact on the nearby residential uses and will act as a buffer between the heavy industrial uses in the central bayfront and the residential uses along the Beach Strip. In contrast, industrial uses have the potential for negative impacts on air and water quality, noise and visual intrusion.

There is no specific development proposal for this area. In this regard, consideration should be given to: aesthetics, aquatic and terrestrial habitat, active and passive recreation, trails, cultural and tourism opportunities. Future development of this area will have to carefully planned and monitored given the considerable environmental concerns.

OTHER CONSIDERATIONS

There were a number of issues raised in the Windermere Basin Study and through public consultation which are still applicable and which should be considered in conjunction with the Official Plan amendment and zoning by-law.

Contaminated Soils

The Regional Public Health Department and the Regional Environment Department (both from a Regional and Provincial perspective) note the potential for site contamination and the need for further study. In this regard, there is merit in placing the land area within a holding zone until such time as a signed Record of Site Condition (RSC) is submitted to the Region and the Ministry of Environment and Energy.

Aquatic and Terrestrial Habitat

The findings of Canadian Wildlife Services show high contaminant levels in Cells 4 and 8 (on the west side) and recommend that these two areas be capped off as soon as possible to prevent further exposure of contaminants to the wildlife using these cells.

ESAIEG recognizes the study area as an aquatic and wildlife linkage between Van Wagners' Ponds and the Harbour proper. ESAIEG questions whether habitat should be encouraged in an area known to be contaminated. Based on these comments:

- an Environmental Impact Statement (EIS) should be required prior to development;
- in accordance with the recommendations of the Canadian Wildlife Services, Cells 4 and 8 should be capped off as soon as possible; and
- the Open Space designation in the Official Plan and the "A" (Conservation, Open Space and Recreation) District proposed for Option 4 should be extended to include Cell 4 at north end of the Basin.

Further, ESAIEG expressed concern "whether such habitat should be encouraged in an area considered to be contaminated" and noted that "Once the preferred land use option has been made, there may be merit in undertaking an Environmental Impact Study, to more clearly evaluate the impacts of the specific proposal on the affected ESAs"

The Hamilton Naturalists' Club support the open space option for the entire area because of its' historical place as one of the last remaining of the original Harbour marshes, and its rich mudflats support migratory birds. The most notable being the common tern colony on the spur dike of the south west shore. In this context, they support the need to undertake an EIS.

On this basis, it is appropriate to provide a policy in the Official Plan regarding the need to undertake an Environmental Impact Statement prior to development and include it as a condition of removing the 'H' provision in the zoning by-law.

Water Quality and Stormwater Management Plan

The water quality issues in Windermere Basin are significant however, they go beyond the scope of the Windermere Basin which is land use determination. Water quality in the Basin is directly related to the Red Hill Creek. It has been noted there may be a need to dredge the basin in the future .

It is recognized that there will be an impact of future uses on water quality (ie. storm water runoff for example). In this regard, the Hamilton Region Conservation Authority (HRCA) advise a stormwater management plan should be developed for the entire study area to ensure current stormwater quality initiatives are implemented when these lands are developed. Such a requirement is generally placed as a condition of approval of a plan of subdivision. In this regard, it should be incorporated as a condition of removal of the holding zone.

Urban Design Guidelines and Site Plan Control

The Windermere Basin Study identified the need to develop urban design guidelines to improve the views of the area and the overall image of the City given the areas' high exposure to traffic along the QEW. Such guidelines would also assist in maintaining and enhancing the open space areas. The Windermere Basin Study recommended that parameters to develop these guidelines be incorporated into the Official Plan. It would therefore be appropriate to include such a policy in the Official Plan amendment.

Open Space and Other Land Uses

The Open Space option of the Windermere Basin Study suggested additional uses be included in this category such as visitor centre, museum, trail centre, Hamilton Harbour clean-up information centre, amongst others.

"Open Space", as it is defined in the Official Plan includes developed and undeveloped parks, recreation areas, trails, conservation areas, horticultural nurseries, forestry and wildlife management areas, hazard lands and limited ancillary commercial uses. The "A" (Conservation, Open Space, Parks and Recreation) District permits conservation uses and trails; golf courses, bowling greens, tennis courts, playgrounds, picnic grounds, etc.; cemetery; mausoleum; and crematorium. The additional uses proposed are not permitted in the Official Plan or the zoning and as such, both the Official Plan and zoning by-law will require special modifications to permit these uses.

Amendment No. 167
to the
City of Hamilton Official Plan

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The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 167.

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

- 1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and recreational activities which improve the City's image;
- 2) it is the last remaining open space opportunity on the south side of Hamilton Harbour;
- 3) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;
- 7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south;
- 4) there is a need to "round out" the industrial area known as Eastport on Piers 25, 26 and 27 by redesignating a small area in the north west for "Industrial"; and,
- 5) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

DRAFT**Actual Changes:**

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:
 - a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water"; and,
 - b) deleting "Special Policy Area: Windermere Basin" from the legend.
2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

"A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."
3. Delete Policy A.2.9.3.2 and replace with the following:

"A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

 - i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;
 - ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;
 - iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,
 - iv) Urban design guidelines for the area will be prepared based on the following basic principles:
 - a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge

Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.

- b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.
- c) Street plantings and maintenance will add to the image of the area.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 00- , passed on the day of , 2000.

The Corporation of the

City of Hamilton

Acting Municipal Clerk

Mayor

Lands to be redesignated "Shipping + Navigation"

Lake Ontario

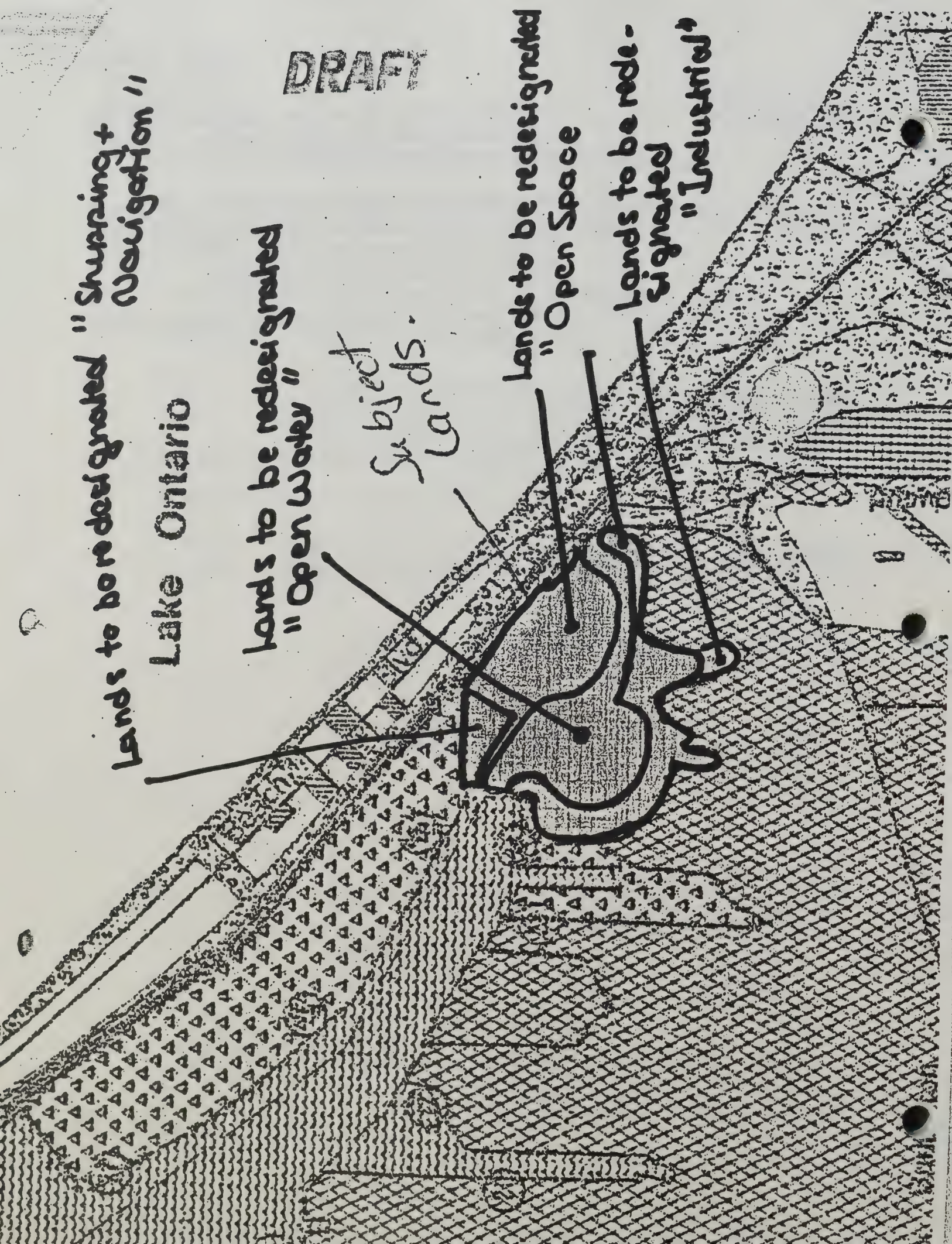
Lands to be redesignated "Open Water"

Subject Lands.

Lands to be redesignated "Open Space"

Lands to be redesignated "Industrial"

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Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25
KNOWN AS WINDERMERE BASIN**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 passed on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 83-240 on the 27th day of July 1983, to rezone the lands in the East and West Harbour, and with respect to the Windermere Basin established zoning of the land below water and including the existing water area as "L-s" (Planned Development - Special Study Area) District, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A-6";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed by-law No. 83-259 on the 31st of August 1983, to amend By-law No. 83-240 in order to clarify the application of the by-law;

AND WHEREAS, the Council of The Corporation of the City of Hamilton passed By-law No. 98-313 on December 15th, 1998 to establish interim control in regard to the area described in Schedule "A" attached to that by-law;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 99-268 on November 30th, 1999 to extend the period of interim control;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enact as follows:

1. That by-law No. 98-313 as amended by By-law No. 99-268 be repealed;
2. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "L-s" (Planned Development - Special Study Area) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District the lands comprised in Blocks "1" "2" and "3", and,
 - (b) by changing from "L-s" Planned Development - Special Study Area) District to "F-4" - 'H' (Special Waterfront Services - Holding) District, lands comprised in Block "4", and,
 - (c) by changing from L-s" Planned Development - Special Study Area) District to "F-2" (Open Water) District, lands comprised in Block "5". And,

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(d) by changing from "L-s" (Planned Development – Special Study Area) District to "K" – 'H' (Heavy Industry, etc. - Holding) District, the lands comprised in Block "6", and,

3. (a) The 'H' symbol applicable to land referred in section 2(a), 2(b), and 2(d) shall be removed conditional upon the owner:

- (1) Submitting a signed Record of Site Condition (RSC) to the Region and The Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;
- (2) Submitting an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposal on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,
- (3) Preparing and submitting a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 2 may at such time proceed in accordance with the "A" District, "F-4" District and "K" District provisions, subject to the special requirements contained in section 4 and 5 of this by-law.

4. That the "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7 of Zoning By-law 6593, applicable to lands comprised of Block "1", "2" and "3" are amended to the extent only of the special requirements that:

(a) That notwithstanding Section 7(1), the following uses will also be permitted: visitor centre, museum, trail centre, and information centre;

5. The "F-4" (Waterfront Services) District provisions, as contained in Section 12D of Zoning By-law No. 6593, applicable to the lands comprised of Block "4", and as modified by Ontario Municipal Board Order dated February 20, 1998, applicable to Block "7", is amended to the extent only of the special requirements that:

(a) only the following uses shall be permitted:

<u>Identification Number</u>	<u>Permitted Use</u>
1. 4542	Ferry Industry;
2. 4543	Marine Towing Industry;
3. 4544	Ship Chartering Industry;
4. 4549	Other Water Transport Industries;
5. 4551	Marine Cargo Handling Industries;
6. 4552	Harbour and Port Operation Industry;
7. 4553	Marine Salvage Industry;
8. 4554	Piloting Service, Water Transport Industry;
9. 4555	Marine Shipping Agencies Industry;
10. 4552	Other Service Industries Incidental to Water Transport;
11. 3271	Shipbuilding and Repair Industry;
12. 3281	Boatbuilding and Repair Industry;

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13.	9841	Labour Organizations;
14.	4561	General Freight Trucking Industry;
15.	4565	Forest Products Trucking Industry;
16.	4569	Other Truck Transport Industry;
17.	4562	Used Goods Moving and Storage
Industry;		
18.	4592	Freight Forwarding Industry;
19.	459	Other Service Industries Incidental to
Transportation, n.e.c.;		
20.	4791	Refrigerated Warehousing Industry;
21.	4799	Other Storage and Warehousing
Industries, nec;		
22.	5999	Other Products n.e.c., Wholesale limited
to Chandlers;		
23.	7794	Customs Broker;
24.	9211, 9212	Restaurants (licensed and unlicensed);
25.	9213	Take-out Food Services;
26.	9214	Caterers;
27.	9221	Taverns, Bars and Night Clubs;
28.	3521	Hydraulic Cement Industry;
29.	3551	Redi-Mix Concrete Industry;
30.	5999	Chandler engaged in supply or outfitting
of boats;		
31.	7021,7031,705	Bank, trust company or credit union;
32.	8521	Marine related commercial school;
33.	9919, 654	Sale and rental of recreational
equipment including the charter or rental of boats, canoes or		
bicycles, but not motorcycles and snowmobiles;		
34.	Not Classified	Accessory business office;
35.	868	Laboratory;
36.	9654	Boat Rental and Marina;
37.	9961	Ticket and Travel Agencies;
38.	9962	Tour Wholesaler and Operators;
39.	Not Classified	Shipping, Transshipping and
Distribution Depot;		
40.	635	Motor Vehicle and Equipment Repair
Shop except paint and autobody repair;		
41.	8641	Day Nursery;
42.	868	Research Establishment/Laboratory;
43.	481	Telecommunications Broadcasting
Industry;		
44.	Not classified	Heliports and Seaplane Operations;
45.	484	Postal and Courier Service Industry;
46.	171	Leather and allied products industries,
except leather tanneries;		
47.	24	Clothing Industry;
48.	279	Paper Box, Bag and other converted
paper products industry;		
49.	28	Printing, publishing and allied industry;
50.	3029	Fabricated metal products industry;
51.	339	Electrical products industry;
52.	391	Scientific and professional equipment
industry;		
53.	392	Jewellery and precious metal industry;
54.	393	Sporting goods and toy industry;
	55.397	Sign and Display Industry;
56.	Not classified	Light manufacturing assembly industry;
57.	42	Trade contracting industry;
58.	Not classified	Truck, machinery and equipment sales,
rental and repair;		
59.	199	Textiles and textiles products industries;
60.	103	Fruit and vegetable industry other than

- | | | |
|-----|--|---|
| 60. | 103 | Fruit and vegetable industry other than processing; |
| 61. | 104 | Dairy products industry other than processing; |
| 62. | 107 | Bakery products industry; |
| 63. | 2549 | Millwork industry; |
| 64. | 2541 | Wooden buildings industry; |
| 65. | 25 | Wood products factory; |
| 66. | 26 | Furniture industry; |
| 67. | 31 | Machinery industry; |
| 68. | 32 | Transportation equipment industry; |
| 69. | 33 | Electronic products industry; |
| 70. | 351 | Clay products industry; |
| 71. | 354 | Concrete products industry; |
| 72. | 3562 | Glass products industry; |
| 73. | Not Classified | Small metal wares factory; |
| 74. | 60,51,77 | Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques; |
| 75. | 9692 | Amusement parks; |
| 76. | 654 | Establishments for the sale of bait; |
| 77. | 77,81,82,83,84,86,85,91,92,96,97,98,99 | Service industries; |
| 78. | | Accessory Uses: |
| | | (a) Accessory buildings, structures or uses; |
| | | (b) Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate. |

- (b) That 12D(2) be amended to delete the words "Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE" and replace with "All the foregoing uses", so the entire introduction reads as follows:

"All the foregoing uses that are not for bona fide purposes of shipping and navigation, shall comply with the following: ..."

6. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "F-4" (Waterfront Services) District provisions, subject to the special requirements referred to in Section 3 of this by-law.

7. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-

8. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps are amended by marking the lands referred to in Section of this by-law, S-

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9. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 2000

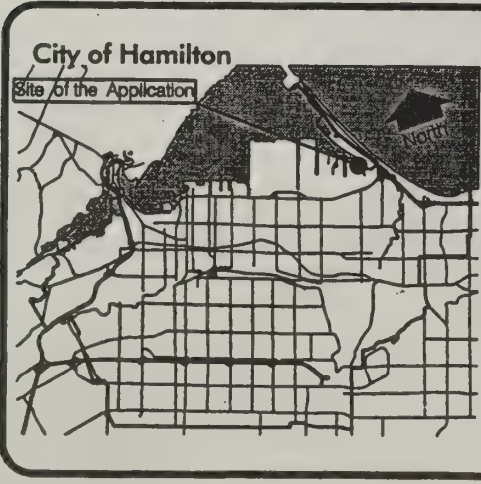
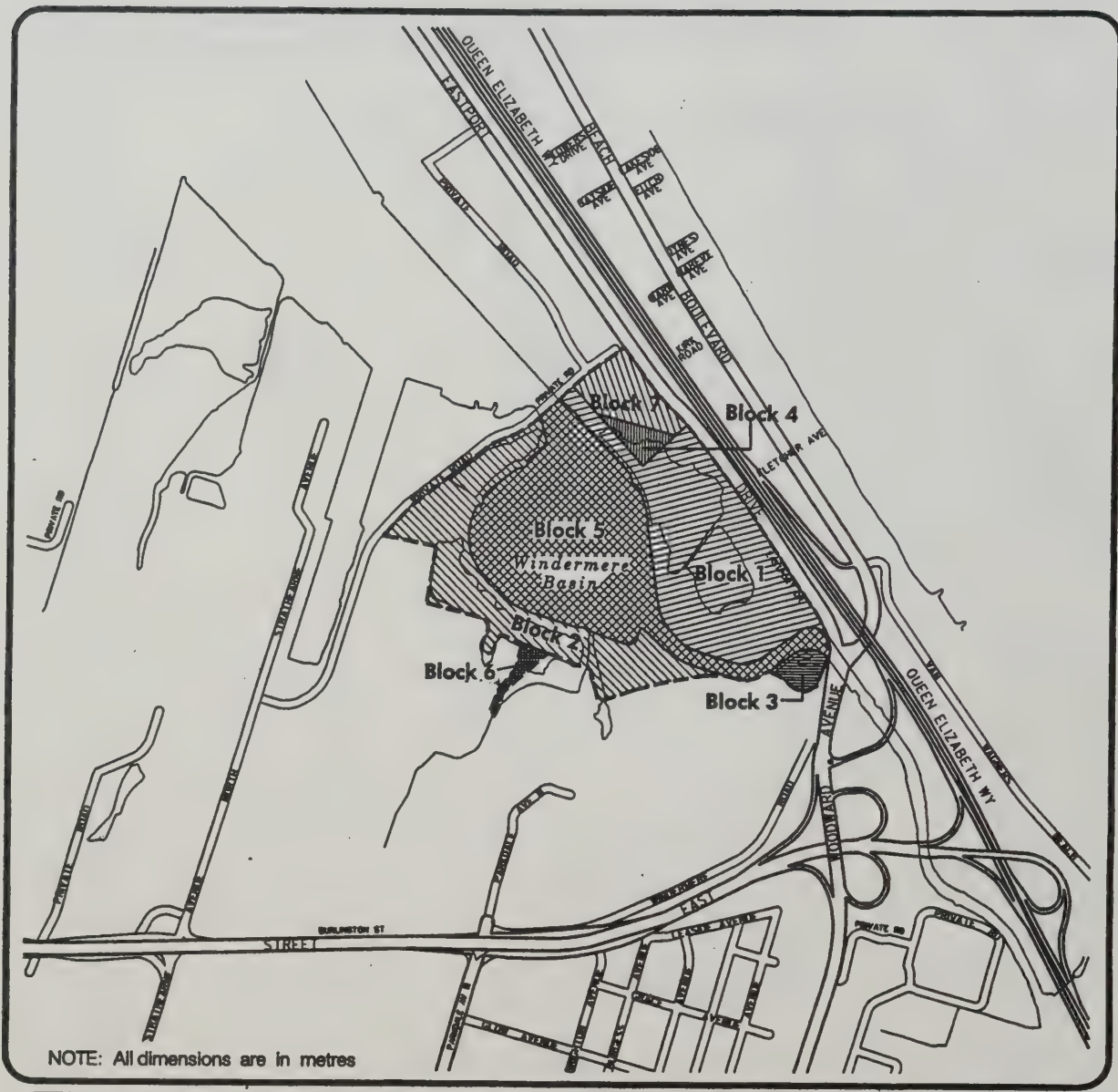
ACTING MUNICIPAL CLERK

MAYOR

(2000) R.P.D.C. ,

CI-98-C

EAST



Community Planning and Development Division

Location Map

Legend

- Block 1
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "A"-T1 (Conservation, Open Space, Park & Recreation - Holding) District.
- Block 2
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "A"-T1 (Conservation, Open Space, Park & Recreation - Holding) District.
- Block 3
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "A"-T1 (Conservation, Open Space, Park & Recreation - Holding) District.
- Block 4
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "F-4"-T1 (Special Waterfront Services - Holding) District.
- Block 5
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "F-4"-T1 (Special Waterfront Services - Holding) District.
- Block 6
Change in Zoning from "L-6" (Planned Development - Special Study Area) District to "F-4"-T1 (Special Waterfront Services - Holding) District.
- Block 7
Further Modification to the "F-4" (Special Waterfront Services) District Regulations.

Reference File No.
CI-98-C

Scale
NOT TO SCALE

Date
August, 2000

Drawn By
L.M.

APPENDIX 'A'

- RECOMMENDATION -

DATE: 2000 September 6
ZAC-00-01 (ZAR-98-33)

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Further modification in zoning – 330 and 342 Dundurn Street South
(PDC00154)

RECOMMENDATION:

That approval be given to **Zoning Application 00-01, 1242324 Ontario Inc. Dominic Occhionorelli, owner,** for a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a Seniors Residential Care Facility to accommodate ninety (90) senior citizens within the existing building, for the property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, as amended by By-law 98-280, be modified as follows:
 - (i) That Section 1.(a) of Zoning By-law 98-280 be repealed in its entirety and replaced with the following:
 - "1.(a) notwithstanding Section 14. (1)(iib) of Zoning By-law No. 6593, the following use shall be permitted:
 - (i) a senior citizens "Residential Care Facility" for the accommodation of a maximum of ninety (90) persons within three floors of the building;
 - (ii) for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board, or treatment and rehabilitation from drug and alcohol abuse, and;
 - (iii) that Section 14. (7) of zoning By-law No. 6593, shall not apply to the subject lands;"
- (b) That Section 2.(a) of Zoning By-law 98-280 be amended by deleting the words "lodging house" and replacing it with "Senior Citizens Residential Care Facility";

- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415a, and that the subject lands on Zoning District Map W-24 be notated S-1415a.
- (d) That Coroprate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 98-280, and Zoning District Map W-24, for presentation to City Council.
- (e) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the subject lands be redesignated on the approved Kirkendall North Neighbourhood Plan from "Medium Density Apartments" to "Civic and Institutional" upon finalization of the implementing By-law.

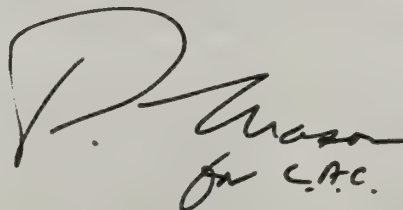
EXPLANATORY NOTE:

The purpose of the By-law is to provide a further modification to the established "H" (Community Shopping and Commercial, etc) District for lands located at 330 and 342 Dundurn Street South as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a change of use from the "Senior Citizens Lodging House" to a "Seniors Citizens Residential Care Facility". The maximum number of residents permitted (i.e. ninety (90) residents) will not change.

In addition, the By-law provides for the following variances:

- Defines a senior citizens "residential care facility" as a residential care facility within which all residents are at least sixty (60) years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board, or treatment and rehabilitation from drug and alcohol abuse.
- Permits the residential care facility to be within 122.0 m of an existing residential care facility at 186 Homewood Avenue whereas a 180.0 minimum radial separation distance is required.



P. Mason
for C.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant has proposed a change of use from a "Senior Citizens Lodging House" to a "Senior Citizens Residential Care Facility". In all other respects the development will remain unchanged. In this regard the maximum number of residents remains at ninety (90).

- Zoning Application ZAR-98-33

The applicant proposed to redevelop the existing building (former Mr. Grocer) on the subject lands to accommodate ninety (90) senior citizens in a lodging house. The redevelopment provided 102 parking spaces for the lodging house. At their meetings of October 21, 1998 and October 27, 1998 the Planning and Development Committee and City Council, respectively, approved the rezoning. The implementing by-law (i.e. By-law 98-280) came into effect on December 8, 1998.

- Site Plan Control Application DA-98-24

The applicant submitted a Site Plan Control Application to redevelop the property at 330-342 Dundurn Street South as a lodging house to accommodate ninety (90) persons. This application was approved on November 13, 1999 and the site plan agreement was registered on title on March 4, 1999.

- Committee of Adjustment Application A-98-38

On April 1, 1998 the Committee of Adjustment granted an application, so as to permit the conversion of the existing building to contain two floors, with a one (1) storey addition to the northwest corner for the use of a lodging house for a maximum of 50 persons and erect a third storey for lodging house storage purposes only, notwithstanding that:

- 1) The one storey addition will be as close as 4.04m (13.25') from the rear boundary of the "H" District portion of land instead of the required 7.5m (24.61') minimum;
- 2) An existing .42m (1.375') southerly side yard shall be maintained for the proposed three storey building instead of the required 2.7m (8.86') minimum and a further eaves projection of .42m (1.375') maximum instead of .21m (.689') maximum;
- 3) The rear portion of the lands located within the "G-1" District to be used for the purpose of providing the required 25 minimum parking spaces for the permitted lodging house located within the "H" District portion of lands;
- 4) Within each of the permitted lodging rooms there will be one bathroom for the exclusive use of the individual occupant instead of lodging rooms that do not have bathrooms for each individual occupant as defined.

The decision of the Committee is final and binding as of April 22, 1998.

APPLICANT:

1242324 Ontario Inc. (Dominic Occhionorelli), Owner.

LOT SIZE AND AREA:

- 64.00m (210 ft.) of lot frontage on Dundurn Street South;
- 123.13m (404 ft.) of lot depth; and
- 7551.341m² (81,282 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS:</u>	Senior Citizens Lodging House	"H" (Community Shopping and Commercial, etc.) District, modified and "G-1" (Designed Shopping Centre) District, modified

SURROUNDING LAND:

To the north	Commercial and Single Family Dwellings	"H" (Community Shopping and Commercial, etc.) District and "D" Urban Protected Residential – One and Two Family Dwellings, etc.) District
To the south	Commercial, Single Family Dwellings, Three Family Dwellings	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial	"H" (Community Shopping and Commercial, etc.) District
To the west	Multiple Dwellings	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN:

The lands are designated "COMMERCIAL" on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "A 2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as Commercial will be for Commerce. In this regard Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; hotels convention and entertainment facilities. In addition to the primary permitted uses, the

following may be permitted within commercial areas provided that they have been designated in the Neighbourhood Plan, where one exists:

- ii) Institutional Uses, regardless of site area and in accordance with the provisions of Subsection A.2.6 of this Plan.

A 2.6.2 Major Institutional uses may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

As a result of the previous zoning approval (ZAC-98-33) the site was redesignated from "Commercial" to "Medium Density Apartments" on the approved Kirdendall North Neighbourhood Plan. If the current proposal is approved, a redesignation from "Medium Density Apartments" to "Civic and Institutional" is required to reflect the long term use of the property.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comments:

- Department of Public Works and Traffic;
- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands."

- The Regional Environment Department (Planning Section) advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the

Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Building Department has verbally advised the following:
 - "1. Section 14.(1)(iiib) permits a residential care facility for a maximum of twenty (20) persons.
 2. The applicant appears to want to limit the residential care use to "seniors". (Definition is Section 2.(2)A.(xiiaa).
 3. Section 14.(7) prohibits the establishment of a residential care facility if another such use is within 180m; the residential care facility at 186 Homewood Avenue is within this distance.
 4. Paragraphs 1.(a)(i) and 2.(a) of By-Law 98-280 refer to a "lodging house" rather than a residential care facility. Paragraph 1.(a)(ii) will become redundant."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The approved Kirkendall North Neighbourhood Plan designates the subject lands as "Medium Density Apartments". If approved a redesignation from "Medium Density Apartments" to "Civic and Institutional" is required.
3. The proposal has merit and can be supported for the following reasons:
 - It complies with the intent of the Official Plan;
 - It is appropriately located on an arterial road (Dundurn Street South) at the periphery of the Kirkendall Neighbourhood;
 - It will provide for seniors accommodation which is well serviced by public transit and is in close proximity to a number of community facilities (i.e. commercial establishments, churches, etc.), while maintaining and enhancing the commercial frontage along Dundurn Street South;
 - The proposed use is consistent and compatible with established development in the surrounding mixed use area, which is comprised of commercial uses, institutional uses and multiple-family and low density residential uses; and,
 - The proposed use is consistent with a "Senior Citizens Lodging House" which is permitted as of right under By-law 98-280.
4. Through the Ward Aldermen's offices, concerns of area residents regarding the potential use of the subject lands as a rehabilitation facility for substance abuse and/or paroled individuals has been identified. In the past to address concerns

regarding paroled individuals, it has been the City's practice to include the following definition of a "Senior Citizens Residential Care Facility" into the implementing by-law:-

"For the purposes of this By-law, a "Senior Citizens Residential Care Facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board".

With respect to the substance abuse concerns the definition could be amended by appending the following:

"or treatment and rehabilitation from drug and alcohol abuse".

It should be noted that Corporate Counsel has previously advised that such restrictions could be open to challenge and may not be enforceable.

5. The Building Department has reviewed the proposal and has advised the development will require a variance, as a special requirement, to permit the residential care facility to be within 122.0 m and 150.0 m of an existing residential care facility at 186 Homewood Avenue and 409 Dundurn Street South whereas a 180.0 m minimum radial separation is required.

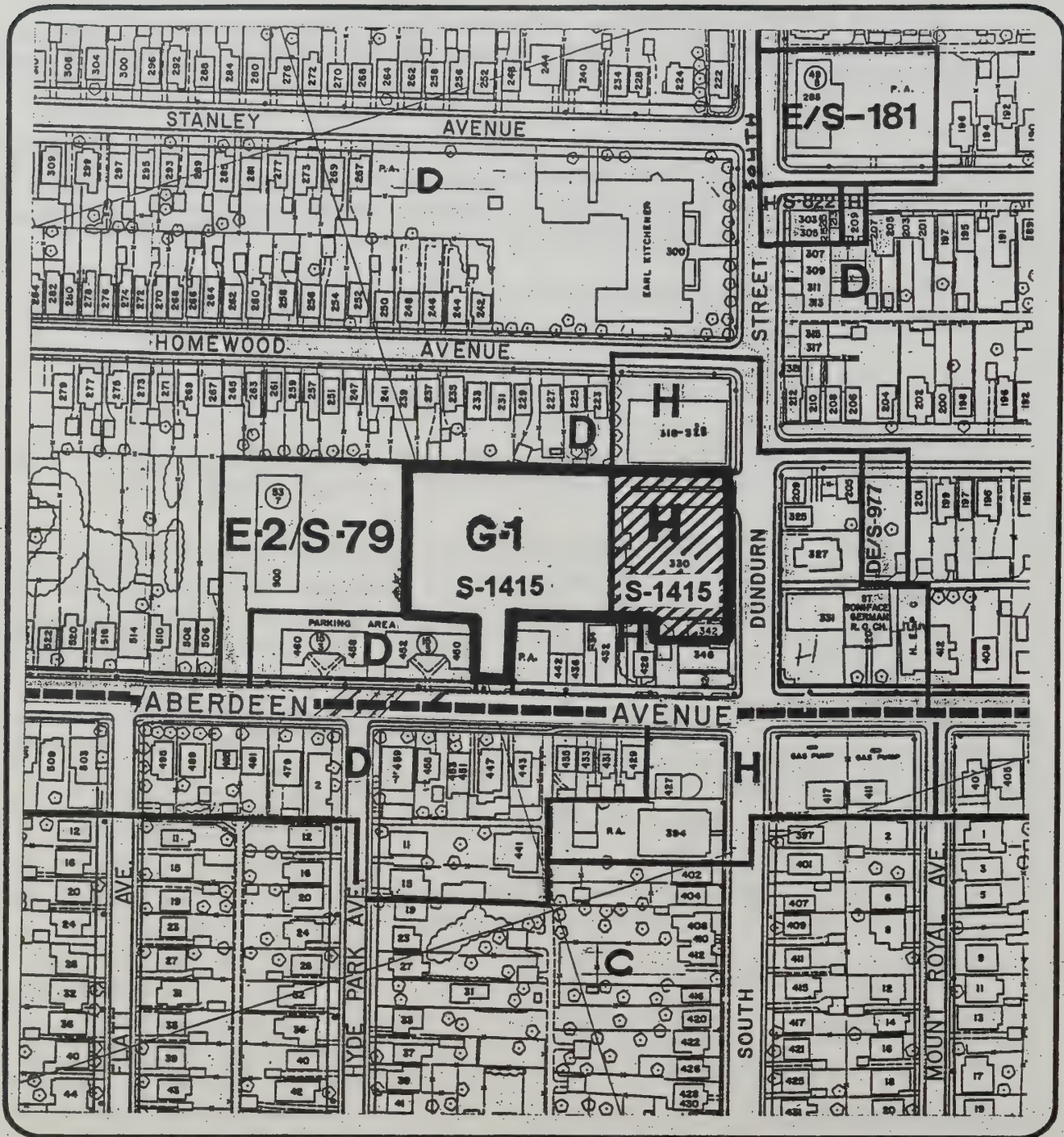
It should be noted that there are operational differences between the proposed facility and the facilities at 186 Homewood Avenue and 409 Dundurn Street South. The residential care facility at 186 Homewood provides shelter and assistance for a maximum of six (6) residents with brain injuries, the facility at 409 Dundurn Street South provides shelter and assistance for four (4) developmentally handicapped youths, while the proposed "Senior Citizens Residential Care Facility" provides shelter and assistance for the aged.

6. Although, there are no exterior changes proposed at this time, it should be noted that the "H" (Community Shopping and Commercial, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Thus, should the applicant propose any future changes related to access, landscaping, grading, fencing, lighting, etc. these matters will be reviewed under an amending Site Plan Control Application.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/mm



Site of the Application

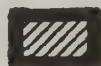


City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Further modification to the established "H"
(Community Commercial, Shopping and District
etc.)

Reference file:

ZAC-00-01

Scale

Not to Scale

Date

Feb., 2000

Technician:

B. B.

APPENDIX 'A'

CITY OF HAMILTON
- RECOMMENDATION -

DATE: August 16, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Downtown Hamilton Community Improvement Plan /
Expanded Area of the Downtown Hamilton Community
Improvement Project Area (PDC00138(A))

Lee Ann Coveyduck

RECOMMENDATIONS:

- a) That the expanded area for the Downtown Hamilton Community Improvement Project Area be designated as per the attached Appendix "A";
- b) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (a) above;
- c) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area, attached as Appendix "B", be adopted in order to implement various incentive/loan programs to property owners;
- d) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for approval; and,
- e) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (c) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board Approval is not required for this report.

These matters were addressed in detail through Report PDR00151, Residential Conversion Program, submitted to the September 5th meeting of the Region of Hamilton-Wentworth Committee of the Whole; and for which Transition Board approval is required.

SUSTAINABLE COMMUNITY IMPLICATIONS:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment and social/health factors in all regional decision-making)

The Community Improvement Plan for the City of Hamilton downtown provides a vehicle for the delivery of a variety of policies and programs to achieve the enhancement and renewal of Downtown Hamilton. These initiatives support Vision 2020 concepts for sustainable regional development by encouraging adaptive reuse, renewal and intensification as an alternative to suburban sprawl.

BACKGROUND:

In accordance with Section 28 of the Planning Act, the City of Hamilton must designate a Community Improvement Project Area (CIPA) and create a corresponding Community Improvement Plan (CIP) prior to offering any financial incentives/programs to property owners.

In 1997 the Downtown Hamilton Community Improvement Plan (CIP) was adopted by By-law 97-140 and subsequently approved by the Minister of Municipal Affairs and Housing. The current geographic area of the Downtown Hamilton Community Improvement Project Area was established by By-law 96-188 and is bounded by Cannon Street to the north, Queen Street to the west, Hunter Street to the south and Victoria Avenue to the east.

For the past several years, the City of Hamilton has undertaken a number of key initiatives to encourage new residential and commercial development or redevelopment activity in Downtown Hamilton. These initiatives have generated considerable private sector interest for potential investment/redevelopment opportunities, but very limited new or adaptive reuse construction. There have been suggestions that the geographic area of the CIP be expanded and that various financial incentives/programs be broadened as a means to achieve greater private initiative.

An important strategic objective for the Downtown Hamilton CIPA is the promotion of adaptive reuse of vacant/under-utilized commercial and office space to residential use. A convert-to -rent loan program has existed for several years; however, private sector initiative has been limited. A revision to the eligibility criteria and maximum loan

provisions of this program has been proposed through Report PDR00151. Combined with the expansion of the CIPA Boundary proposed below, the intent is to promote a higher and more consistent level of private sector investment in new residential construction for the downtown.

DISCUSSION:

Two primary options were considered in regard to the potential expansion of the Downtown Hamilton CIPA boundary (see Appendix "C"). The first option would be to expand the boundary to include the area between the Escarpment and the Bayfront and between Victoria Avenue and Queen Street. The second option would be to expand the boundary to include the lands/buildings fronting on the east and west sides of James Street from Cannon Street, north to the former CN Rail Station and from Hunter Street, south to Charlton Street/Avenue adjacent to St. Joseph's Hospital which have the closest physical/functional relationship to the current CIPA. The pros and cons of each option area discussed below.

Option One: Escarpment to Bayfront

Pros –

- Would enable a significantly larger number of property owners with access to available loan/incentive programs.
- May assist in revitalizing other neighbourhoods in close proximity to Downtown Hamilton.

Cons –

- Significantly reduces the "focus" or "targeting" of the various loan/incentive programs to accommodate a small group of scattered properties that are similar in character to those in Downtown Hamilton.
- Promotes development of intensive land uses outside of the established Downtown.
- Does not accurately reflect the land use and market attributes of Downtown Hamilton.

Option Two: James Street North & South

Pros –

- St. Joseph's Hospital in the south and the former CN Rail Station in the north are key "landmarks" or "focal points" which define the periphery of Downtown Hamilton.
- James Street continues to be the main north-south arterial "spine" in Downtown Hamilton with similar land use conditions to that of the current CIPA boundary.
- Higher-order land uses typical of downtown locations, e.g., office uses, are evident on James Street north and south of the current CIPA boundary.
- Maintains the focus of the various loan/incentive programs for the core of Downtown Hamilton.
- Should further promote the revitalization of the area around the Hunter Street GO Transit Terminus.

Cons –

- A small number of relevant properties in proximity to Downtown Hamilton will continue to be not eligible for available loan/incentive programs.

CONCLUSION:

The key for revitalizing Downtown Hamilton is to create and maintain a focus of private sector investment on residential renewal. A variety of loan/grant incentive programs have been focussed on properties within Downtown for this purpose. It is important to continue this momentum by including the majority of properties outside of the current CIPA boundary that have adaptive reuse potential.

The expansion of the Community Improvement Project Area (CIPA) boundary to encompass both sides of James Street north from Cannon Street to the former CN Rail Station and south from Hunter Street to Charlton Street/Avenue is warranted for the following reasons:

- It recognizes the linear characteristics of the higher order land uses that have existed for many years in Downtown Hamilton;
- It focuses potential revitalization initiatives between two community landmarks to maintain a cohesive identity for Downtown Hamilton; and,
- James Street continues to function as the key north-south arterial spine of Downtown Hamilton.

Any expansion beyond this geographic area would work against downtown revitalization and would counteract the competitive advantages that CIP loan and grant programs seek to be established in downtown. Accordingly, the expanded Community Improvement Project Area boundary should be enacted by By-law, the Hamilton Downtown Community Improvement Plan should be amended to reflect the expanded boundary and forwarded to the Minister of Municipal Affairs and Housing for approval.

APPENDIX "B"

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Downtown Hamilton Community Improvement Plan (CIP) was established by By-law 97-140 and approved by the Minister of Municipal Affairs and Housing. The Plan was subsequently amended by By-laws 98-122, 98-212 and 98-289.

The geographic area of the Downtown Hamilton Community Improvement Project Area (CIPA) was originally established by By-law 96-188. By-Law 00- has further enlarged the CIPA.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic of the Downtown Hamilton Community Improvement Project Area as set out in By-law 00- and is shown on Appendix "A".

The Downtown Hamilton Community Improvement Plan focuses on rehabilitation, updating existing facades and interiors and encouraging the provision of new residential dwelling units through the provision of grants and loans.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic area delineated by both By-laws 96-188 and 00- .

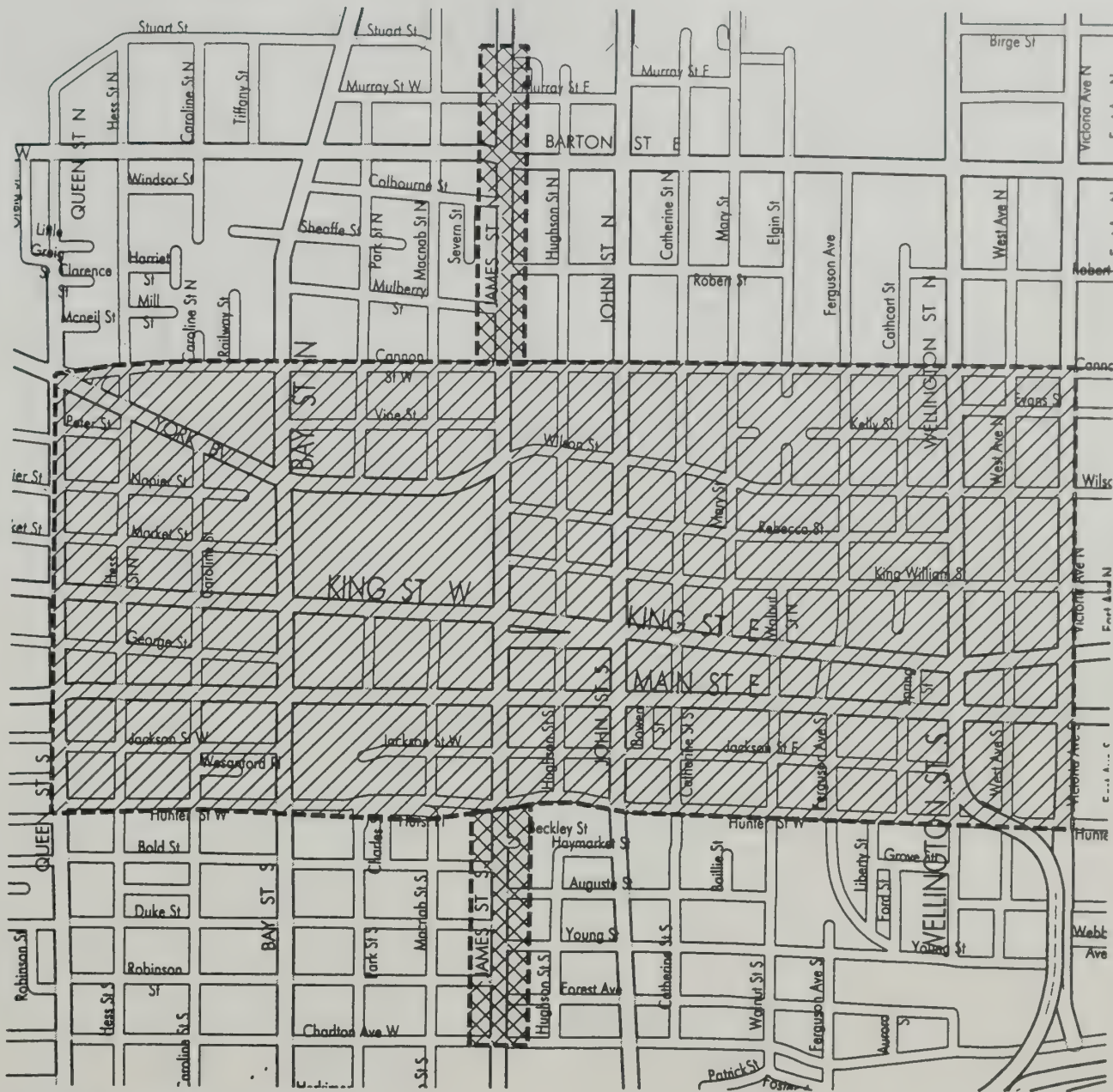
RATIONALE FOR THE EXPANDED AREA:

A vibrant downtown is key to the current and future well-being of the residents and business community of the City of Hamilton. Through various initiatives established by the City of Hamilton, there is an increasing private sector interest in redevelopment opportunities in Downtown Hamilton. It is important to maintain this interest and promote new investment by adjusting the Community Improvement Project Area boundary to encompass both sides of James Street north from Cannon Street to the former CN Rail Station and south from Hunter Street to St. Joseph's Hospital.

This expansion is warranted for the following reasons:

- It recognizes the linear characteristics of the higher order land uses that have existed for many years in Downtown Hamilton;
- It focuses potential revitalization initiatives between two community landmarks to maintain a cohesive identity for Downtown Hamilton; and,
- James Street continues to function as the key north-south arterial spine of Downtown Hamilton.

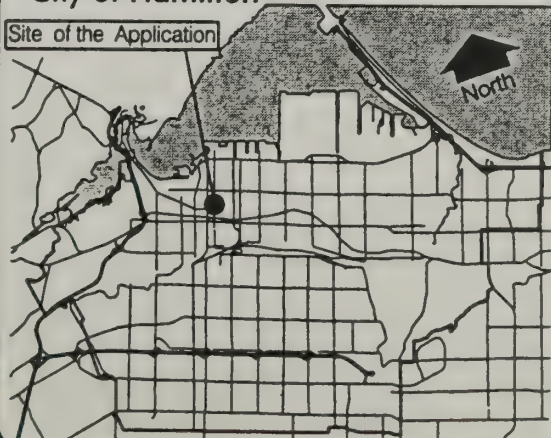
Co-incident with this expansion of Community Improvement Plan boundaries, it is the intent of the Council of the City of Hamilton to revise eligibility criteria for the existing Convert to Rent Loan program as it applies to the entire Downtown Hamilton Community Improvement Plan Project Area, as amended.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



Downtown Hamilton Community Improvement Project Area Boundary Expansion

Legend



Current Downtown Hamilton Community Improvement Project Area Boundary



Expanded Downtown Hamilton Community Improvement Project Area Boundary

Reference File No.
CITYBASE-CIPA-A

Scale
NOT TO SCALE

Date
Aug. 17, 2000

Drawn By
LM

APPENDIX 'A'

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: September 7, 2000
Gourley Neighbourhood (P5-2-53)

REPORT TO: Chairman and Members
Planning and Development Committee

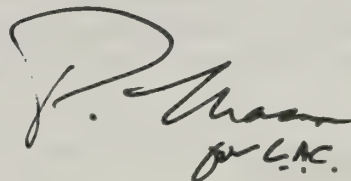
FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a Neighbourhood Plan Amendment - Changes to the proposed road pattern in the north-east quadrant of the Gourley Neighbourhood Plan. (PDC00156)

RECOMMENDATION:

That the Gourley Neighbourhood Plan be amended, as shown on APPENDIX "A", as follows:

- (i) to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,
- (ii) to extend Chesley Street northerly to connect with the planned east-west street.



J. P. Mason
for C.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the City of Hamilton Official Plan, Council shall hold at least one public meeting to consider an application for a Neighbourhood Plan Amendment.

BACKGROUND:

Neighbourhood Plan

The Gourley Neighbourhood Plan was approved by City Council on December 12, 1972 (Stage 1 – westerly portion of the neighbourhood) and September 25, 1990

(easterly portion of the neighbourhood). The approved neighbourhood plan provides for Chesley Street to connect with Appleblossom Drive. Annabelle Street is planned to be extended north to intersect with Brigadoon Drive.

It is noted that the extension of Annabelle Street north of Chester Avenue requires land assembly in that the proposed extension of Annabelle Street affects 14 properties.

Proposal

The application has been received from Starward Homes, Inc. for changes to the proposed road pattern in the north-east quadrant of the Gourley Neighbourhood Plan.

The approved Neighbourhood Plan identifies Chesley Street connecting with Appleblossom Drive. The application is to revise the road pattern as follows:

- to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,
- to extend Chesley Street 60 m north to connect with the planned east-west street.

The proposed changes to the Gourley Neighbourhood Plan are shown on APPENDIX "A".

The applicant has proposed the changes to the neighbourhood plan to resolve access and servicing concerns. This will allow for the development of the "Fontana Gardens" draft approved plan of subdivision, "Orchards North" Council approved plan of subdivision and the "Orchards North Addition" draft approved plan of subdivision.

COMMENTS RECEIVED:

- The Traffic Division have advised of the following:

"The proposal to extend Chesley Street northerly to connect with the planned east-west street shown as Street "A" on the "Orchard North" draft approved plan of subdivision would increase traffic on this section of roadway. Chesley Street would become the major access to these subdivisions until Annebelle Street is extended. Once Annabelle Street is extended northerly, motorists would continue to use Chesley Street as a direct connection to Stone Church Road.

We recommend that the roadways be located as shown in the approved Gourley neighbourhood plan."

- The Development Engineering Section, Land Development Department have advised of the following:

"This Department has no objections to the proposed revisions as the proposed alignment of Chesley Street will provide a superior servicing alignment then the existing approved road pattern. This will result in a more efficient operation and less costly maintenance over the life cycle of the service. This alignment will remove the need for servicing within an easement and therefore remove the associated costs and liabilities."

COMMENTS:

1. In evaluating the proposed neighbourhood plan change, Community Planning and Development Department staff have identified 3 options. The options considered were:

- no change (i.e. development to proceed in accordance with the approved neighbourhood plan);
- revise the road pattern; or ,
- amend the neighbourhood plan to provide for a sewer easement (with or without a pedestrian walkway).

No Change: The Development Engineering Section has advised that development can be accommodated based on the existing approved neighbourhood plan but this option is the least efficient in terms of the linear amount of infrastructure required. In addition, based on a preliminary engineering review, the long term municipal maintenance costs maybe potentially higher if servicing is provided based on the approved road pattern.

The Traffic Division have recommended that development proceed in accordance with the approved neighbourhood plan.

Revised Road Pattern: The road pattern within the Gourley Neighbourhood is a mixture of both a linear grid road pattern (easterly portion) and a curvilinear road pattern (westerly portion). The area of the proposed neighbourhood plan amendment is where the two road patterns meet and the approved neighbourhood plan attempts to provide for a transition between these two different road patterns.

The net effect of the proposed neighbourhood plan change is to extend the grid road pattern approximately 60 metres northerly. In addition to providing a more efficient servicing strategy, the proposed amendment to the neighbourhood plan will ultimately allow for traffic to be dispersed over four road connections from Brigadoon Drive to Chester Avenue. This will reduce the amount of traffic in the vicinity of the existing elementary school fronting onto the extension of

Appleblossom Drive.

It is noted that the requested amendment to the approved neighbourhood plan will not increase the number of traffic trips generated but will affect how the vehicles move through the neighbourhood. The Traffic Division have advised that until such time as Annabelle Street is extended northerly, Chesley Street would become the major access to the "Orchards North" and "Orchards North Addition" subdivisions. Furthermore, the Traffic Division have advised that motorists would continue to use Chesley Street as a direct connection to Stone Church Road.

Servicing Easement: As previously noted, although technically feasible, development in accordance with the approved neighbourhood plan is not the preferred servicing option. To minimize the amount of infrastructure required, and rather than revising the road pattern, servicing could be accommodated by way of a sewer easement connecting Chesley Street with the east-west street.

At the time of Council approval of the "Orchards North" subdivision in 1996, amendments to the Gourley Neighbourhood Plan were required. Specifically, Appleblossom Drive was extended northerly to connect with the east-west street (Street "A"). This amendment was required to facilitate the servicing of the neighbourhood, provide for a second access point and to eliminate the need for a sewer easement from Chesley Street to Street "A".

Where feasible, Community Planning and Development Division staff have attempted to avoid the use of easements for servicing due to operational concerns when the City/Region must undertake maintenance of infrastructure within an easement on private property. Where it is not feasible to provide the required infrastructure within the road allowance, then the use of walkways are considered (e.g. "Scenic Park South" subdivision in the Mountview Neighbourhood). To avoid safety concerns, the walkways are 12.0 m wide and must be located to facilitate pedestrian access.

Due to on-going operational concerns, then the use of a servicing easement on private property is not the preferred servicing strategy. Alternatively, based on a review of the approved road pattern and land uses, a pedestrian walkway connecting Chesley Street and Street "A" is not warranted.

2. At the time of development approvals of the "Orchards North" subdivision, the Traffic Division advised of the following:

"The development as proposed will generate a significant increase in traffic volumes on the existing local streets in the neighbourhood. Therefore, we recommend that development of the subject lands be conditional on the establishment of the local streets between the subject lands and Chester Avenue

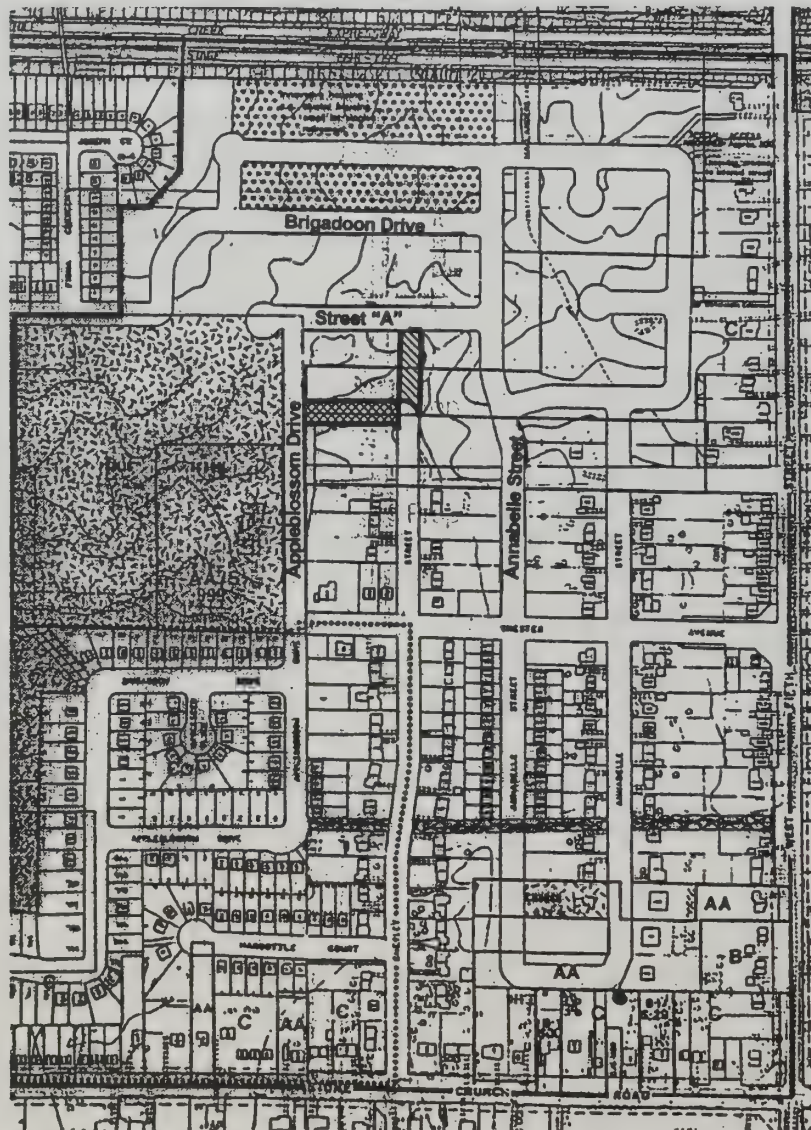
in order to provide access to the development from both West 5th Street and Garth Street."

In this regard, as a condition of draft plan approval the number of units that can develop on a single access point is restricted to 100 units.

3. The requested amendment to the approved neighbourhood plan can be supported for the following reasons:
- will not increase the number of traffic trips generated but will affect how the vehicles move through the neighbourhood;
 - the proposed neighbourhood plan amendment will provide for a better transition between the existing grid road pattern to the south and the curvilinear road pattern to the north;
 - it will provide for a more efficient servicing strategy and may avoid the requirement for a servicing easement; and,
 - it will reduce the amount of traffic in the vicinity of the existing elementary school fronting onto the extension of Appleblossom Drive.

CONCLUSION:

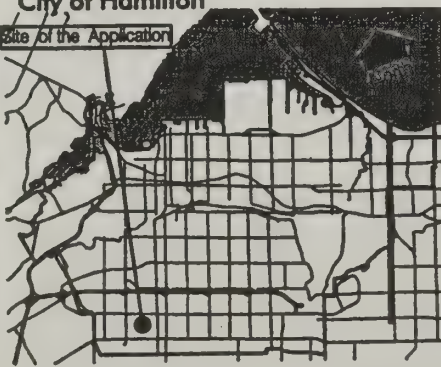
Based on the foregoing, the request to amend the Gourley Neighbourhood Plan can be supported.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



Community Planning and Development Division

Location Map

Legend



Proposed Road To Be Deleted



Proposed New Road

Reference File No.

P5-2-53

Scale

NOT TO SCALE

Date

August, 2000

Drawn By

L. M.

APPENDIX 'A'

MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday August 9, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman A. Horwath, Alderman D. O'Sullivan, Alderman B. Morelli, Alderman T. Anderson, Alderman C. Collins, J. Bruzzese, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, C. Floroff, V. Grupe, D. Cumming, E. Switinky, D. Powers, P. Lampman, C. Guthro, H. Milsome, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **Zoning Application 95-07 and Site Plan Application 95-01 for "Miles Estate" 50 Miles Road (PDC00130) (item 2.1)**
 - A. (a) That approval be given to Subdivision Application 95-01 (Regional File No. 25T-95002), Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners to establish a draft plan of subdivision "Miles Estates", on lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road in the Broughton West Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated December 17, 1999, showing 1 block for park purposes, 76 lots for single detached dwellings and 29 blocks to be developed with the

adjoining lands for single detached dwellings, and 26 lots for small lot single detached dwellings, 2 blocks being 0.30 m reserves and to establish 6 streets, attached as Appendix "B";

- (ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
- (iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act;
- (v) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
- (vi) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
- (vii) That the streets be dedicated to the City of Hamilton;
- (viii) That the owner agree in writing that Blocks 103 – 131, inclusive, are to be developed in conjunction with the abutting lands shown as Blocks 156 – 158, "Shermal Estates" (Regional file No. 25T-94005);
- (ix) That Lots 36, 37 and 38 not be registered until such time as the applicant has submitted a conceptual lotting pattern for the abutting lands to the east of Street "B" and south of the future east-west street, known municipally as 94 – 114 Miles Road, to the satisfaction of the Manager, Development Planning, Community Planning and Development Division. The configuration of Lots 36, 37 and 38 shall comply with the approved conceptual lotting plan;
- (x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (xi) That no portion of these lands is allowed to develop until a suitable storm and sanitary sewer outlet is available to service any portion of

these lands directly;

- (xii) That the owner cost share in the preparation of an Environmental Assessment Study to establish a master stormwater management plan for a study area to be determined to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division. The Environmental Assessment Study will address water quality and quantity issues in accordance with recognized best management practises (BMPs) and the Redhill Creek Watershed Study;
- (xiii) That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:
 - 1) plans that show existing and proposed site grades and drainage;
 - 2) detailed stormwater management plans implementing the approved recommendations of the master stormwater management plan; and,
 - 3) erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices.
- (xiv) That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:
 - 1) to carry out or cause to carry out the works referred in condition (xiii), to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division; and,
 - 2) To maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner

satisfactory to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

- (xv) That the owner dedicate Block 132 to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;
- (xvi) That the number of lots be developed shall be restricted until such time as a second watermain feed is available in order to provide looping of the watermain to service this development to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;
- (xvii) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access, shall not exceed 100 residential units;
- (xviii) That the undesignated Street at the north west limit of the draft plan adjacent to Lot 1 and Block 103 be established to its full width of 20.0 metres with the establishment of Street "B" north of Street "C";
- (xix) That 9m radius transitions adjacent to Lots 24 & 25, 29 & 30, 64 & 65, 72 & 73, 93 & 94, and 101 & 102 be established on the final plan of subdivision;
- (xx) That a 2m by 2m daylight triangle is required from Lot 46;
- (xxi) That the access to Lot 38 be located at the westerly side of the lot;
- (xxii) That Street "A" align centreline to centreline with the midblock collector street in "Shermal Estates" draft plan of subdivision;
- (xxiii) That the lot depths and dimensions, street locations on Miles Estates plan of subdivision conform to "Shermal Estates" draft plan of subdivision since the alignment of Upper Sherman Avenue has been established on that plan to cross the Hydro Corridor in accordance with Hydro's requirements;

- (xxiv) That the radius of the lot line on Street "F" adjacent to Lot 38 not exceed 20m;
 - (xxv) That access to Blocks 122 and 123 must be located outside of the daylight triangles at the intersection of Street "A" and Upper Sherman Avenue with access onto Street "A" only;
 - (xxvi) That the owner dedicate a daylight triangle 5m by 5m adjacent to lot 39;
 - (xxvii) That the development of any portion of these lands must include a street loop system for service vehicles, transit facilities, buses, etc.;
 - (xxviii) That the owner dedicate a road widening on the final plan sufficient to the Region along Miles Road along Street "G";
 - (xxix) That the design of the intersection of Street "G" and Miles Road, including the provision of the necessary daylight triangles on the north and south sides of Street "G", be to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;
 - (xxx) That Blocks 103 to 131, inclusive, cannot be developed until such time as Upper Sherman Avenue is established and constructed to its full designated Right of Way;
 - (xxxi) That the owner submit a tree preservation plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
 - (xxxii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;
 - (xxxiii) That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of

Hamilton-Wentworth with respect to this application (SAC-95-01/25T-95002), "Miles Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.

- (c) That the Acting Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division, of Council's decision;
 - (d) That upon draft plan approval of Subdivision Application 95-01 "Miles Estates" by the Region of Hamilton-Wentworth, that the road pattern in the approved Broughton West Neighbourhood Plan be revised to reflect the road pattern as shown on the proposed plan of subdivision;
- B. That approval be given to amended Zoning Application ZAC-95-07, Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block 1), from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block 2) and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks 3 and 4) for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road, in the Broughton West East Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
 - (d) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. **Zoning Application 00-15 for 30-40 Margaret Street (PDC00133)** (Item 2.2)

That approval be given to Zoning Application ZAC-00-15, Valvasori Properties (in trust), owner, for changes in zoning from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District (Block 1) and from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District for lands known as 30 – 40 Margaret Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District;
- (b) That Block "2" be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District;
- (c) That Subsections 3(b), 3(c), 3(d) and 3(e) of Zoning By-law No. 98-116 be deleted in there entirety;
- (d) The "D" (Urban Protected Residential – One and Two Family, etc.) District provisions as contained in Section 10 of Zoning By-law 6593, as further amended by By-law 98-116, applicable to Block "2" of that By-law, is amended by deleting "7.50" in Subsection 4(a) Clause (iv), and replacing it with "6.05", so the entire clause reads as follows:
 - "(iv) 6.05m from the westerly lot line;"
- (e) That the "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 and 2, be modified to include the following variances, as special requirements:
 - (i) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - 1) a multiple dwelling containing a maximum of 14 Class A dwelling units within the building at the time of the passing of the by-law;
 - (ii) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, a minimum landscaped area unused for access or manoeuvring space

or parking space or for any other purpose other than landscaping area including a playground of 125 m² shall be provided and maintained in the southerly side yard;

- (iii) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;
- (iv) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of every parking and manoeuvring area shall provide and maintain the following setbacks:
 - 1) not less than 1.5 metres from the easterly limits of Block 1;
 - 2) not less than 0.2 metres from the northerly limits of Block 1;
 - 3) 0.0 metres from the westerly limits of Blocks 1 and 2; and,
 - 4) 0.3 metres from the southerly limits of Block 2;
- (v) That notwithstanding Section 2.(2)J.(xb) of Zoning By-law No. 6593, a walkway having a maximum width of 1.2 m and a gazebo shall be permitted within the required landscaped area;
- (vi) That notwithstanding Section 18.(4)(iv) of Zoning By-law No. 6593, a gazebo shall be permitted within the southerly side yard;
- (f) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1402a, and that the subject lands on Zoning District Maps W-12 be notated as S-1402a;
- (h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. Zoning Application 00-08 for 526 Upper Paradise Road (PDC00134) (Item 2.3)

- (a) That approval be given to Zoning Application 00-08, Lynwood Hall Child and Family Centre, owner, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "1" and "3") and from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "4"), to permit a childrens' residence, a related childrens'

mental health centre, a 128 bed nursing home and a residential care facility for 172 seniors, for property located at 526 Upper Paradise Road, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That Blocks "1" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
- (ii) That Blocks "2" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District;
- (iii) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3" and "4", be modified to include the following variances as special provisions:
 - 1) That notwithstanding Section 10A. (1) of By-law No. 6593, the following uses shall be permitted:
 - A. A childrens' residence and services for a childrens' mental health centre on Blocks "1" and "2";
 - B. A nursing home for not more than one hundred twenty-eight (128) residents on Blocks "3" and "4"; and,
 - C. A senior citizens "residential care facility" for not more than one hundred seventy-two (172) residents on Blocks "3" and "4";
 - 2) That for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older;
 - 3) That notwithstanding Section 2.(2)A.(xiiaa), a residential care facility and a nursing home may be combined in the same building;
 - 4) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "4" except for the areas used for access driveways;

- 5) That a minimum 1.8 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "2" except for the areas used for access driveways;
 - 6) That minimum 1.2 m high and maximum 2.0 m high visual barriers shall be provided and maintained along the entire southerly lot lines of Blocks "3" and "4" and along the entire westerly lot lines of Blocks "1" and "3"; and
 - 7) Section 18A(14g) of Zoning By-law No. 6593 shall not apply to Block "2";
- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1449, and the subject lands on Zoning District Map W-37a be notated S -1449;
 - (v) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37a, for presentation to City Council;
 - (vi) That these proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- (b) That the implementing By-law not be presented to City Council for adoption until such time as the applicant and/or land owner has obtained a private/public servicing easement over the adjacent lands, to the satisfaction of the Director, Land Development Division;
 - (c) That the Site Plan Control Application be approved on the basis of the following noise abatement measures: all construction is brick veneer; double glazing with air conditioned interior spaces; and, exterior amenity areas shall be in the courtyards or shall comply with the Ministry of Environment requirements; and,
 - (d) That approval of the zoning change be conditional upon:
 - (i) traffic concerns being addressed,
 - (ii) drainage concerns being addressed,
 - (iii) children's safety concerns being addressed, and,
 - (iv) a tree preservation plan being implemented.

4. Heritage Conservation District, (Nos. 869-1019 and 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; including 2 Fourth Avenue) – Designation (PDC00125) (Item 2.4.1)

- (a) That the City Council adopt the "Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change," prepared by Archaeological Services Inc., Wendy Shearer Landscape Architect Limited, and Sinisa Tomich Urban Designer, July, 2000, with the recommendations related to front yard setbacks on the bay side of the Beach as modified;
- (b) That City Council give approval to designate by by-law the Hamilton Beach Heritage Conservation District under Part V of the Ontario Heritage Act; and,
- (c) That the recommendations and implementation strategies contained in the "Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change", be undertaken by the appropriate departments and agencies.

5. City Initiative 00-D for 869-1019 and 870 – 1064 Beach Boulevard – further Modification in Zoning (PDC00124) (Item 2.4.2)

That approval be given to City Initiative 00-D, for further modifications to the "C" (Urban Protected Residential) District regulations, to establish a maximum front yard setback for the dwellings and garage/carport and to reduce the maximum height limitations on buildings and structures, for the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as Appendix "E", be further modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9(2) of Zoning By-law No. 6593, no building shall exceed 2 storeys and no structure shall exceed 9.0m, in height and;
 - (ii) That notwithstanding Section 9(3)(i) of Zoning By-law No. 6593, the maximum front yard depth for the dwelling shall not exceed 12 m;

- (iii) for a dwelling with a carport or attached or detached garage, then the following provisions shall apply:
 - 1) that notwithstanding any other provision of this by-law or Zoning By-law No. 6593, the front wall of the carport or garage shall be located a minimum of 1.5m behind the main wall of the dwelling and in every case have a front yard depth of not less than 7.5m;
- (iv) That Sections 18(2)(i) and 18(3)(iii) of Zoning By-law No. 6593 shall not apply;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1435a and 1436a, and that the subject lands on Zoning District Maps E-80e, and E-80f be notated S-1435a and 1436a;
- (c) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80e and E-80f for presentation to City Council; and,
- (d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. Demolition of 12-14 Brantdale Avenue (PDC00127) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 12-14 Brantdale Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Demolition of 1007 Upper James Street (PDC00128) (item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 1007 Upper James Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

8. Demolition of 1472 Upper Gage Avenue (PDC00129) (item 4.3)

That the Acting Director of Building be authorized to issue a demolition permit for 1472 Upper Gage Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

9. Hamilton Emergency Loan Program, 157 Mead Avenue (HSB00012) (Item 4.4)

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred dollars (\$1,800) be approved for Joan West, 157 Mead Avenue. The interest rate will be 2 per cent amortized over 5 years.

10. Core Heritage 2000 Program, 197-199 King William Street (HSB00013) (Item 4.5)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of thirty-one thousand dollars (\$31,000) to Ferguson Station Inc., registered owner of 197-199 King William Street, be approved.

11. Revision to Council resolution regarding Zoning Application 99-36, lands South of Chedmac Drive and East of Magnolia Drive (PDC00116A) (Item 4.6)

That Item 1.F. of the Twelfth Report of the Planning and Development Committee, as adopted by City Council on June 27, 2000, be amended to delete Subsection F.(k) be deleted in its entirety and replaced with the following:

"F.(k) That Block "14" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District."

12. Stinson Street School, 180 Grant Avenue – Heritage Permit for Exterior Alterations to 1915 Addition (PDC00131) (Item 4.7)

That a Heritage Permit be approved for the following alterations to the 1915 rear building of Stinson Street School:

- (a) Removal of the four exterior cloakroom staircases on the north, south, east and west facades; reconstruction of the foundation walls with rusticated stone ashlar to match existing; and,
- (b) Conversion of four original doorways to windows; new windows will be identical to the new insulating glass sash replacement windows to replace all of the existing original wood sash windows (window replacement to be undertaken in 2001, subject to approval of a separate Heritage permit.

13. Proposed Draft Plan of Condominium Conversion – No. 285 King Street West (CDM-CONV-00-03) – (PDC00132) (item 5.2)

- (a) That approval be granted to application CDM-CONV-00-03 (Regional File 25CDM-2001) submitted by 1165555 Ontario Inc. (Dan Gaskin), owner, for a draft plan of condominium for the property located at No. 285 King Street West, as shown on the attached plan marked as Appendix "F", to provide for a condominium comprised of 27 apartment units (24 conversion and 3 new), subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated October 3, 1999 (Appendix "G") prepared and certified by Edward Barich, Ontario Land Surveyor.
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to Corporate Counsel.
 - (iii) That prior to approval of the final plan the property taxes shall be in good standing and the draft plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan.
- (b) That the Acting Municipal Clerk be directed to advise the Director of the Land Development Department of the Community Planning and Development Division of Council's decision.

14. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-043 A By-law to Amend Site Plan Control By-law No. 99-171 respecting lands located east (Lake Side) and west (Bay Side) of Beach Boulevard, in the Beach Neighbourhood.
- (b) C-044 A By-law to Remove Land within the "Parkway Manor Phase 1" Subdivision, Plan 62M-907 from Part Lot Control.
- (c) C-045 A By-law to Remove Land within the "Parkway Manor Phase 1" Subdivision, Plan 62M-907 from Part Lot Control.

- (d) C-046 A By-law to Remove Land within the "Wellington Estates, Phase 2" Subdivision, Plan 62M-905 from Part Lot Control.
- (e) C-047 A By-law to Extend By-law No. 99-113 respecting Land within the "Bow Valley Estates" Subdivision, Plan 62M-875 from Part Lot Control.
- (f) C-048 A By-law to Amend Zoning By-law 6593 respecting lands located west of Hawkswood Trail, south of Falconridge Drive and east of the Hamilton City Limits.
- (g) C-049 A By-law to Amend Zoning By-law No. 6593 respecting lands located at Municipal No. 544 Limeridge Road East.
- (h) C-050 A By-law to Designate as a Heritage Conservation District the area of the Hamilton Beach Neighbourhood comprised of 869 to 1019 Beach Boulevard (lake side) and 870 to 1064 Beach Boulevard (bay side) excluding 913 Beach Boulevard including 2 Fourth Avenue.
- (i) C-051 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 99-169 and 99-170 respecting lands located at Municipal Nos. 869-1019 and 870-1064 Beach Boulevard.
- (j) C-052 A By-law to Adopt Official Plan Amendment No. 166 respecting lands located south of Chedmac Drive and east of Magnolia Drive (Scenic South Subdivision) within the Mountview Neighbourhood.
- (k) C-053 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws Nos. 96-152 and 99-153 respecting lands located South of Chedmac Drive and East of Magnolia Drive.
- (l) C-054 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 98-116 respecting lands located at Municipal Nos. 30-36 Margaret Street.
- (m) C-055 A By-law to Confirm the Proceedings of the Corporation of the City of Hamilton.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND /OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

(b) **Adoption of Minutes – June 21, 2000 (Item 3.1)**

The Minutes of the meeting held June 21, 2000 were adopted.

(c) **Zoning Application 95-07 and Site Plan Application 95-01 for "Miles Estate" 50 Miles Road (PDC00130) (item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the report before the Committee. He advised that the parkland dedication is 7.5 percent whereas the required dedication is 5 percent; therefore there may be a financial adjustment in the future. Of 44 notices circulated, 3 replied in favour and 3 opposed.

He noted a friendly amendment to subsection (xii) of the report dated July 21, 2000.

The Proponent and Al Fletcher of A.J. Clarke and Associates were present.

No one from the public was present to speak.

The recommendation of the General Manager, Community Planning and Development Division was approved as amended in subsection (xii).

(d) **Zoning Application 00-15 for 30-40 Margaret Street (PDC00133) (Item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the Planning report. He added that a request for a reduction in the rear yard setback by the applicant is not reflected in the recommendation and as such the recommendation should

be amended. Of 132 notices circulated 4 replied in favour and 2 were opposed.

Michael Valvasori, principal and Serge Manchia of Planning Initiatives were present.

Mr. Manchia advised that the proposal is an adaptive re-use which will enhance the property. The applicant has acquired additional land that will be used as green space. The building will have no balconies.

Daniel Beaudoin of 28 Margaret Street was present. he was concerned mainly with the fact that the edge of the property in question would be 7 inches from the rear of his property and this may pose problems . he suggested a galvanised steel fence in this location so that cars will not run beyond the fence line. He suggested a setback of at least 1 2/2 feet. He requested low-density lighting in the parking lot. He was also concerned with the lack of street parking. He prefers the units to be owner occupied and not rented.

In response to a question from Mr. Beaudoin, Sergio Manchia advised that the dumpsters would be located in the patio area.

Carolyn Taylor of 37 Strathcona Avenue South was present. She stated that she has concerns regarding garbage. She prefers that no fence be erected behind the tiny tots area because it will block the alleyway. She also prefers the units be owner occupied and not rented.

Armand Chartrand of 42 Margaret Street was concerned with the separation between the proposed property and his property to which Mr. Valvasori stated that the wall will be bricked, stuccoed or wood sided.

In response to the concerns Sergio Manchia advised as follows:

- there will be 14 parking spaces on site
- there will be 2 visitors parking spots in front of tiny tots
- lighting in the parking lot will be low projection
- the rear buffer will be 1.5 metres
- the barrier will be dealt with at the site plan stage
- the edge of the parking lot against the fence will be curbed to prevent cars from backing into the fence
- regarding 37 Strathcona, there will be no proposed fencing along the alleyway.

Alderman Caplan suggested that a neighbourhood meeting be held prior to

the site plan being finalized to address residents concerns. Alderman Kiss concurred and asked to be included in this.

Alderman Copps felt that this is an over-intensification of use. And that the rear yard setback should not be 7 inches.

The report of the General Manager, Community Planning and Development Division dated July 24, 2000 was approved as amended.

(e) **Zoning Application 00-08 for 526 Upper Paradise Road (PDC00134)**
(Item 2.3)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Ed Fothergill, Planning consultant, Alex Thompson, executive director of Lynwood hall and Ed Charles, Nick Zaffiro, Charles Macaluso and others form the sons of Italy were present in support of the application.

Paul Mallard gave a brief overview of the planning report. He advised that this an appropriate re-use of the subject lands. He also advised that the implementing bylaw not be forwarded until the necessary private/public agreements are obtained. Of 230 notices circulated, 9 replied in favour and 12 opposed.

Mr. Thompson gave a history of the Lynwood Hall. He advised that it is the only centre that services children with mental health problems between the ages of 6 and 18. The new facility will not be an expansion but a new modern facility.

Mr. Fothergill advised that the architecture is sensitive to the surrounding residential areas and as such the building is 2 stories in height at upper paradise, 3 stories facing the rear where the townhouses are located and there are no buildings facing the single home area to the side. He explained the public meeting process carried out by the proponents. He distributed a copy of the information packages to the Committee. He advised that a severance application has been submitted.

Mr. Charles gave a history of the Sons of Italy in Hamilton. He stated that at present the group supports active charitable fundraising and has built approximately 30 million dollars of non-profit housing in the Hamilton area.

A home for seniors of Italian descent named "Villa Italia" will be built on the property to be purchased from Lynwood Hall.

Margaret Smallbone of 171 Appleford Court was present and raised concerns about the poor drainage in the area that causes flooding as well as the traffic and congestion on the streets which would cause a hazard to the schoolchildren. She was also concerned that willow trees would be destroyed.

Danielle Marchese of 4 Lunner Avenue was present. She distributed a submission to the Committee. She raised concerns regarding the following:

- Water drainage and flooding
- Water contamination
- Traffic congestion and children's safety
- Co-shared play area
- Air and waste pollution

She requested an updated study to the Phase 1 environmental Assessment study conducted in 1997.

Mrs D'Sousa of 535 Upper Paradise Road was concerned with congestion and traffic in front of her home.

Mr. Fotehrgill suggested that many of the concerns can be resolved at the site plan stage. He explained that the water will be stored on parking lots, driveways and landscaped areas and drained slowly through the system.

After discussion by the Committee members the recommendation of the General Manager, Community Planning and Development Division, dated July 21, 2000 was approved as amended to add subsection (d) as follows:

"(d) That approval of the zoning change be conditional upon:

- (i) traffic concerns being addressed,
- (ii) drainage concerns being addressed,
- (iii) children's safety concerns being addressed, and,
- (iv) a tree preservation plan being implemented."

* Alderman Copps opposed to the main motion.

- (f) **Heritage Conservation District, (Nos. 869-1019 and 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; including 2 Fourth Avenue) – Designation (PDC00125) (Item 2.4.1) (not a public meeting)**

David Cuming, Heritage consultant, gave a brief presentation of the report. He explained the public consultation process to the Committee including public meetings phone calls, personal interviews, letters and questionnaires. There is a concern that new development be compatible with the existing structures.

- (g) **City Initiative 00-D for 869-1019 and 870 – 1064 Beach Boulevard – further Modification in Zoning (PDC00124) (Item 2.4.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Vanessa Grupe gave a brief overview of the report.

Blanche Micheau of 1049 Beach Boulevard as concerned with possible loss of parking spaces. She would like to retain her sideyard.

- (h) **Information Items (Item 4.8)**

The Committee resolved that the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (i) Acting Commissioner, Department of Public Works and Traffic re: Conceptual Plan-Ferguson Avenue South between Main Street East and King Street East (PWT00137), dated July 20, 2000.
- (ii) General Manager, Community Planning and Development Division re: Draft Site Plan (Project Review) Process for Eastport (Piers 25,26 and 27) (PDC00137), dated August 1, 2000.

Alderman Charters suggested that if any Committee member has concerns regarding this item that they be addressed.

- (i) **Proposed Draft Plan of Condominium Conversion – No. 285 King**

Street West (CDM-CONV-00-03) – (PDC00132) (item 5.2)

Alderman Horwath questioned if the policy benchmark is 2%. Following brief discussion the Lee Ann Coveyduck advised that the benchmark is 2% but that in this individual case the project was of a small scale and staff felt housing stock would not be affected.

**(i) Downtown Community Improvement Plan Amendment (PDC00138)
(added item)**

The Committee approved the following recommendation from the General Manager, Community Planning and Development Division dated August 4, 2000:

That the Planning and Development Committee convene a public meeting to receive citizen input on the possible expansion of the Downtown Hamilton Community Improvement Plan (C.I.P.) as required under the Planning Act.

(j) Wesley Centre- 195 Ferguson Avenue North (PD99088G) (Private and Confidential Item)

The Committee adjourned in closed session to deal with a litigation matter and reconvened immediately thereafter and resolved as follows:

(i) That the Staff of the Legal Services Department be authorized to participate in discussions with Meridian Co-operative Homes, Wesley Urban Ministries and other interested parties with a view to reaching a compromise position concerning the Ontario Municipal Board conditions, as identified in the decisions dated February 15, 1999 and April 26, 2000.

(ii) That staff report back to the Planning and Development Committee at the meeting scheduled for September 20, 2000.

(k) OTHER BUSINESS

(i) As recommended by Alderman Caplan the Committee resolved as follows:

That Building Department Staff be authorized and directed to initiate proactive enforcement of Property Standards, Zoning By-laws and other maintenance By-laws in the McMaster University Area for the first 3 weeks of September 2000."

- (ii) As recommended by Alderman Caplan the Committee resolved as follows:

That Building Department Staff be authorized and directed to seek outside services in order to provide inspection services for various loan programs. Funding to be provided within the department's existing budget.

- (iii) As recommended by Mayor Morrow the Committee resolved as follows:

That the decision of the Planning and Development Committee at its meeting held on May 24, 2000 (item (i) of matters not requiring Council approval) in approving Site Plan Application DA-99-60, a proposed Tim Horton's Restaurant, including parking and a drive-thru, at 30 Queenston Road, Hamilton, be amended to provide that:

1. for that portion of the proposed development to be located upon land owned by Hydro One Networks Inc., that Hydro One not be required to assume the obligations of land owner and that in their place, Hydro One agree with the City that the TDL Group Ltd. may install the required site plan works and that the City may enter the property to enforce the Site Plan Agreement; and,
2. for that portion of the proposed development to be located upon land owned by 891157 Ontario Inc., that the City shall also require The TDL Group Ltd, which is the lessee of this property and the licensee of Hydro One Networks Inc.'s property, to join in the said site plan agreement to provide its covenant to the City that the approved site plans for both properties shall be installed and maintained as required, as long as The TDL Group Ltd. is the lessee and licensee of the said properties.
3. The said provisions be prepared in a form satisfactory to the Director, Land Development and to Corporate Counsel.

- (iv) As recommended by Alderman Horwath the Committee resolved as follows:

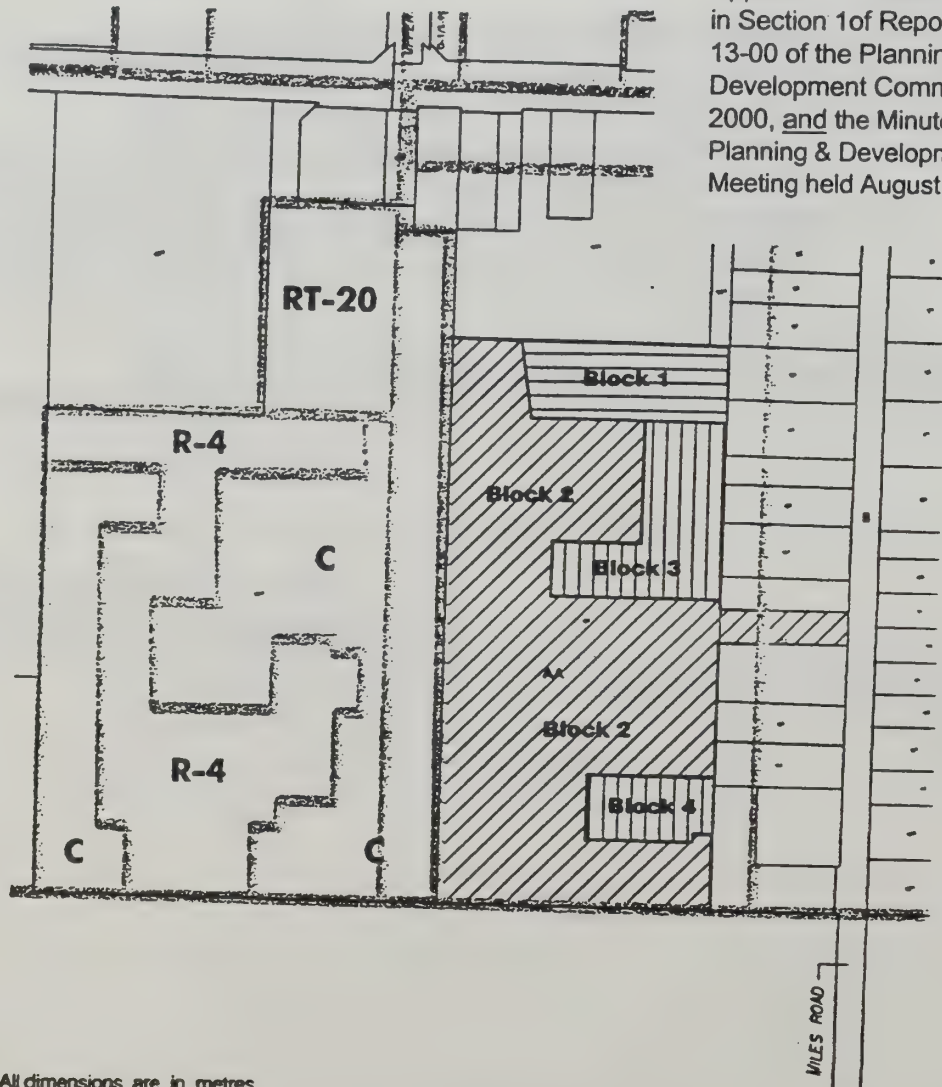
That the staff of the Community Planning and Development Division take appropriate initiatives to update inconsistencies in planning documents as they relate to the Northend Harbourfront re-development of industrial lands intended to be used for residential purposes.

Note: The meeting of the Planning and Development Committee adjourned at 12:40 p.m.

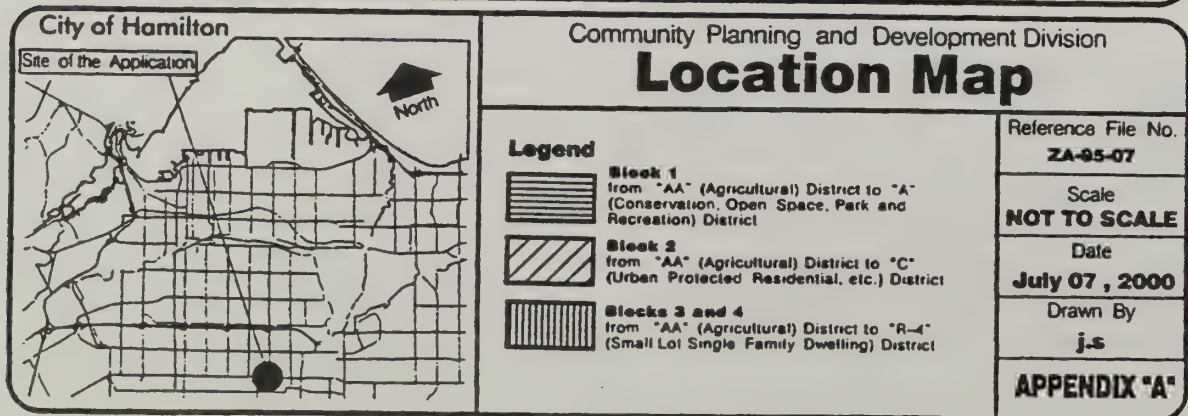
**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
August 9, 2000**

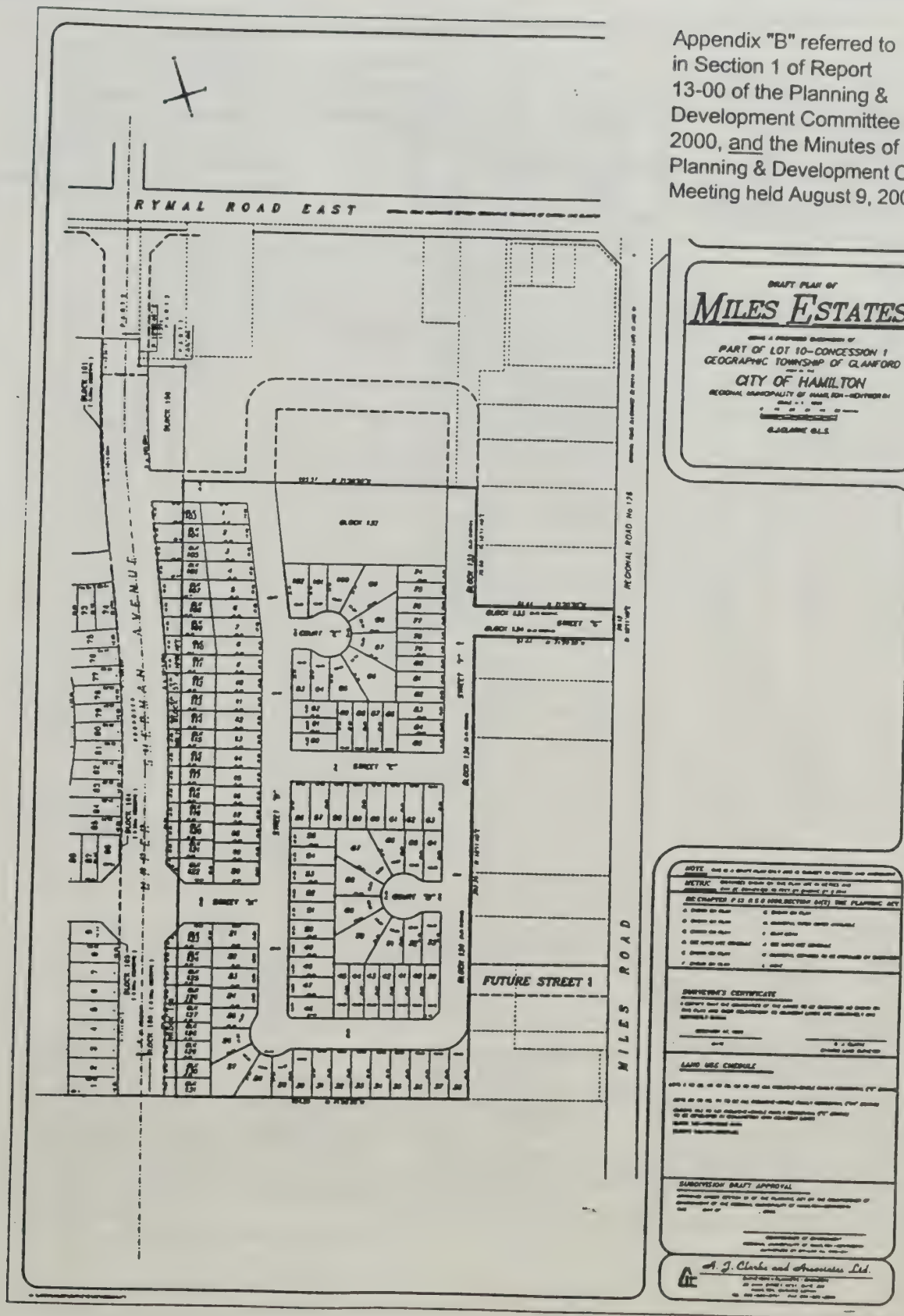
Appendix "A" referred to in Section 1 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.



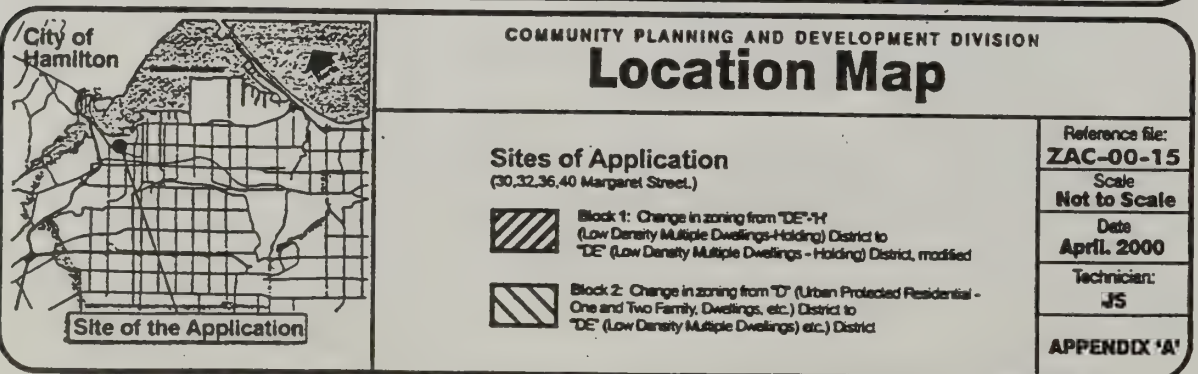
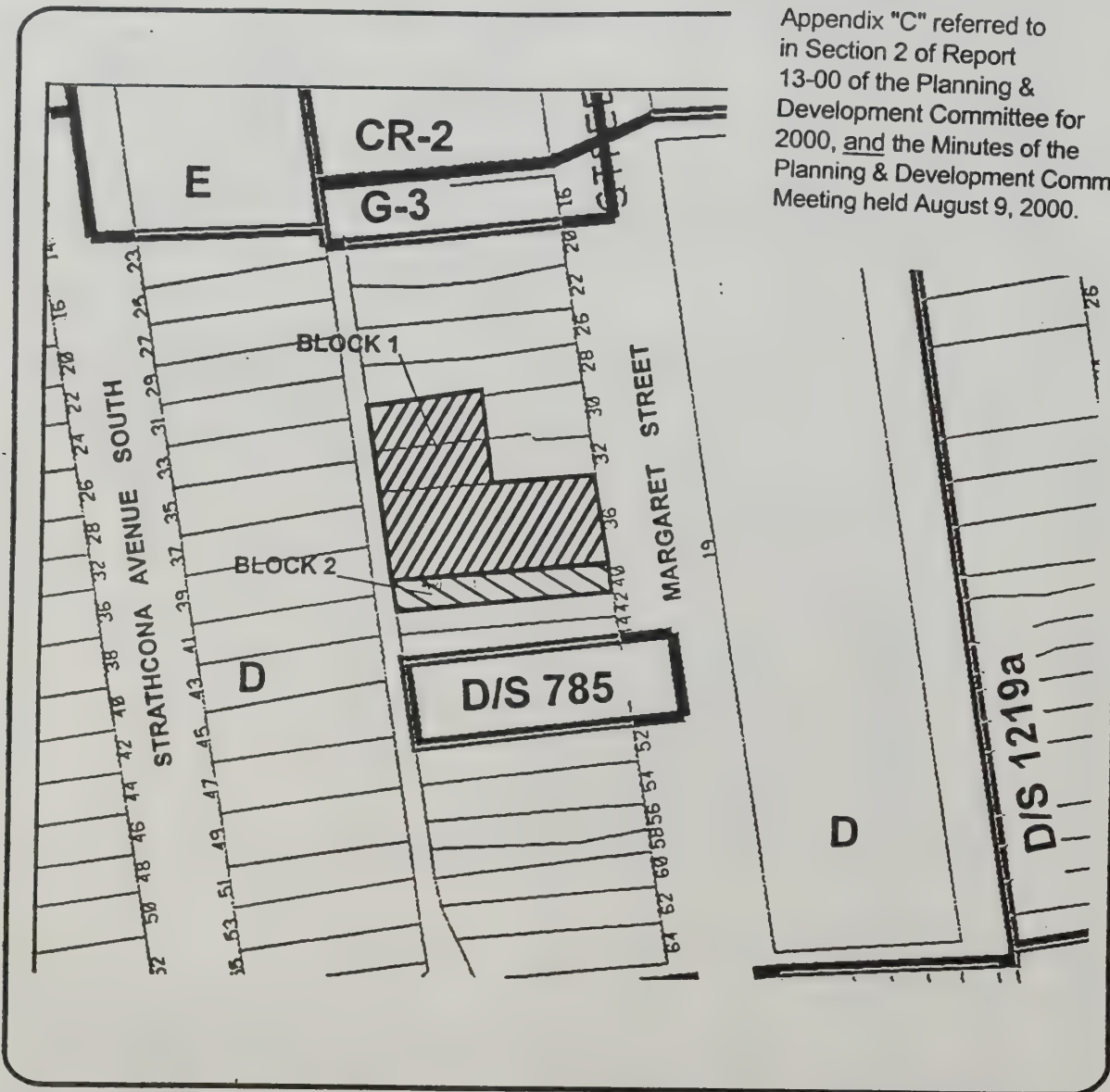
NOTE: All dimensions are in metres



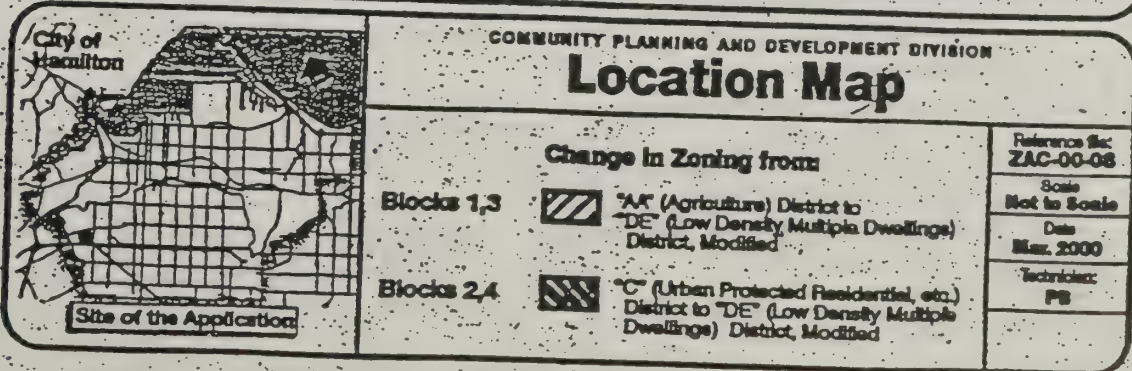
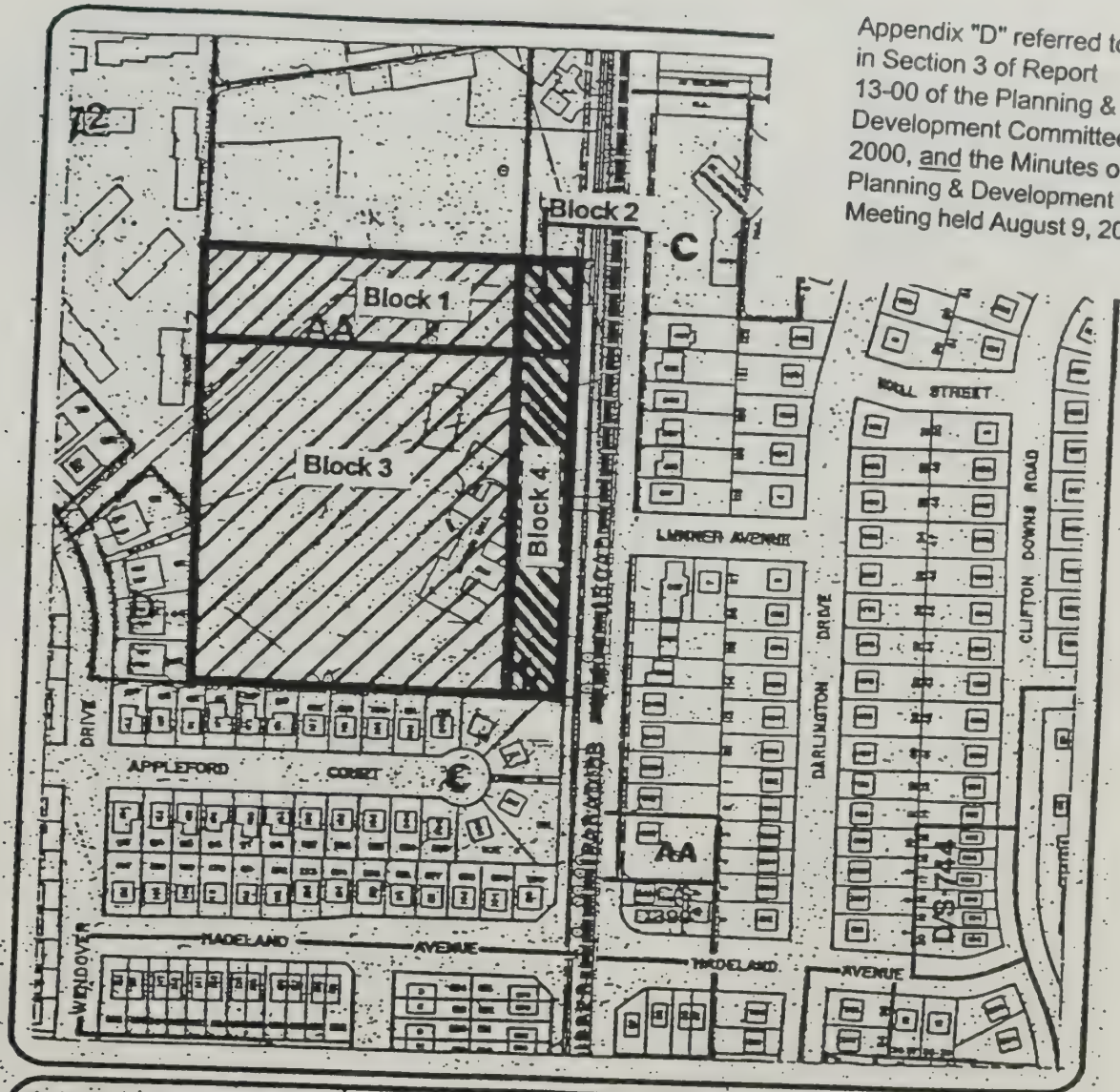
Appendix "B" referred to
in Section 1 of Report
13-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held August 9, 2000.



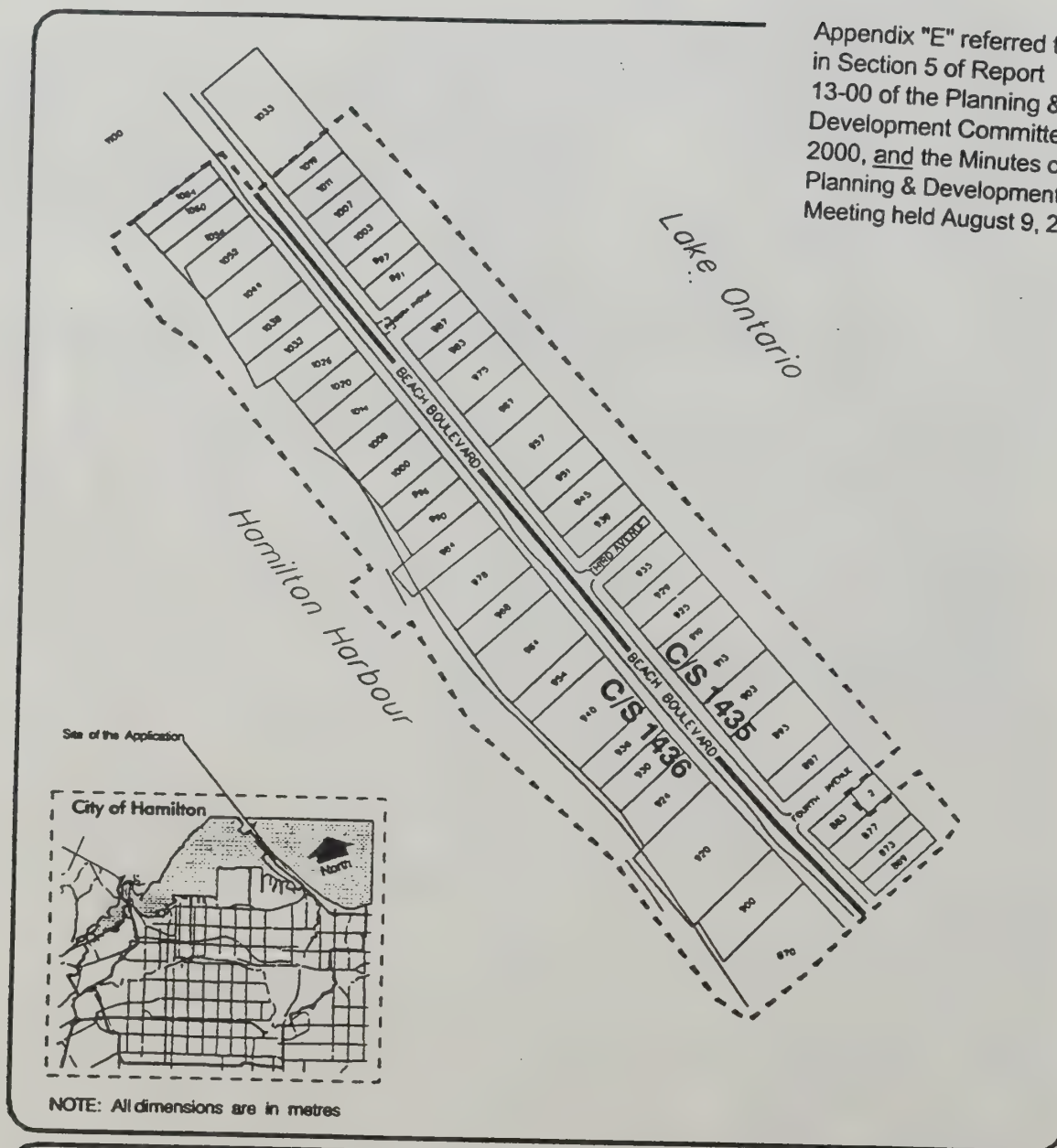
Appendix "C" referred to in Section 2 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.



Appendix "D" referred to
in Section 3 of Report
13-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held August 9, 2000.



Appendix "E" referred to
in Section 5 of Report
13-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held August 9, 2000.



City of Hamilton

Key Map

Community Planning and Development Division

Legend

Further modification to the "C"
(Urban Protected Residential, etc)
District regulations.

North



Scale

NOT TO SCALE

Date

July, 2000

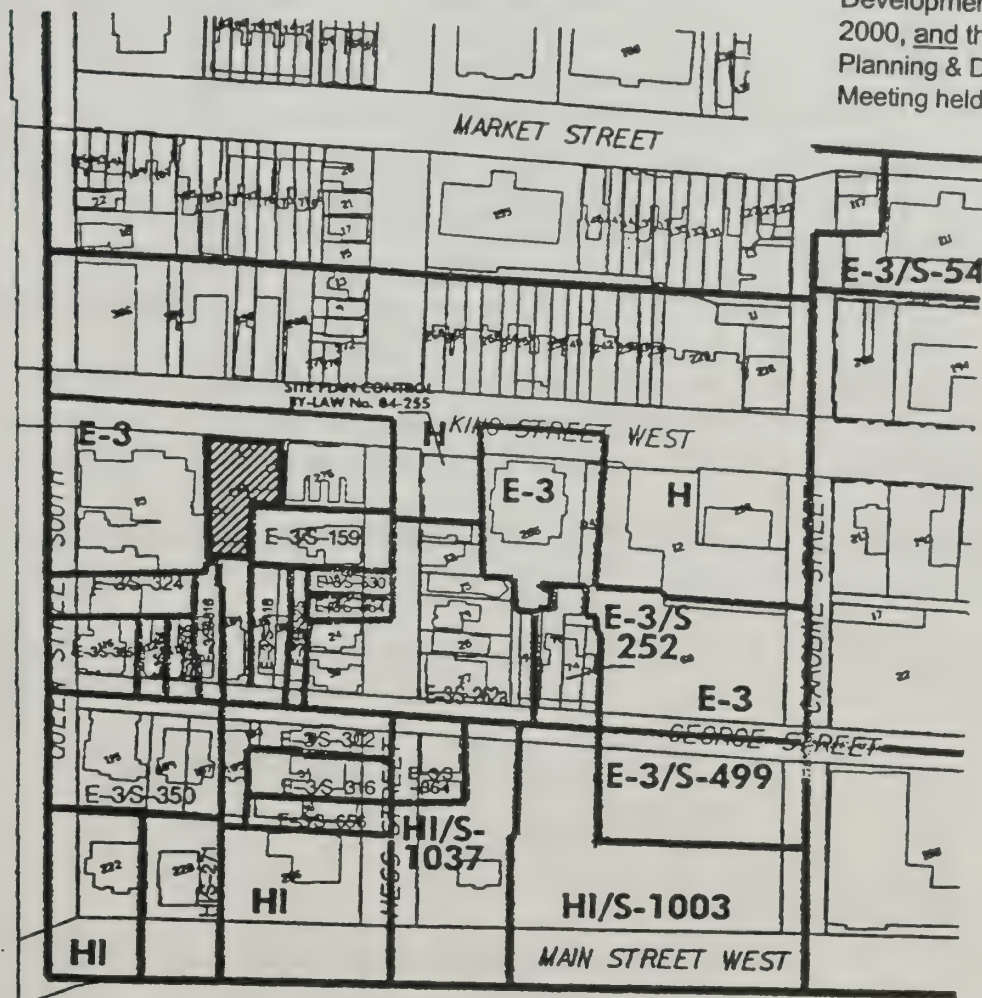
Reference File No.

CI-00-D

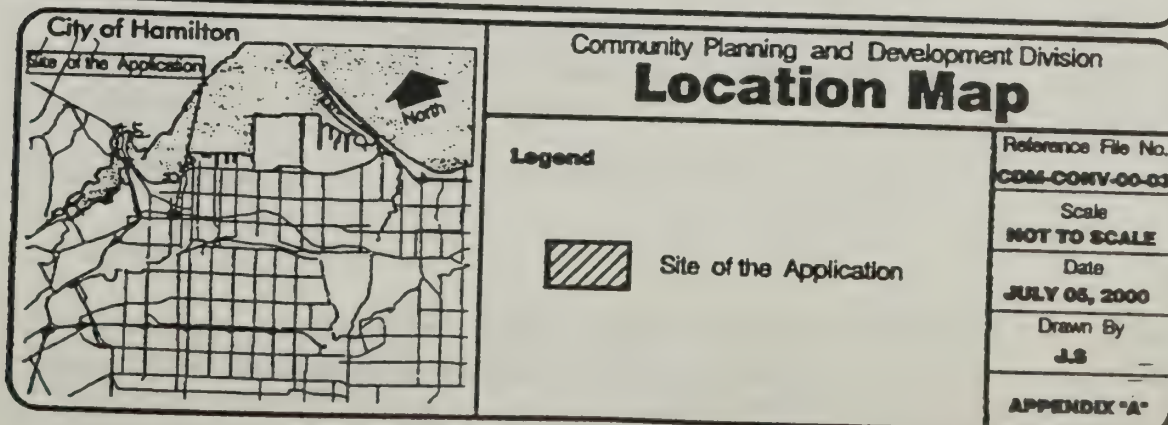
Drawn By

J.S

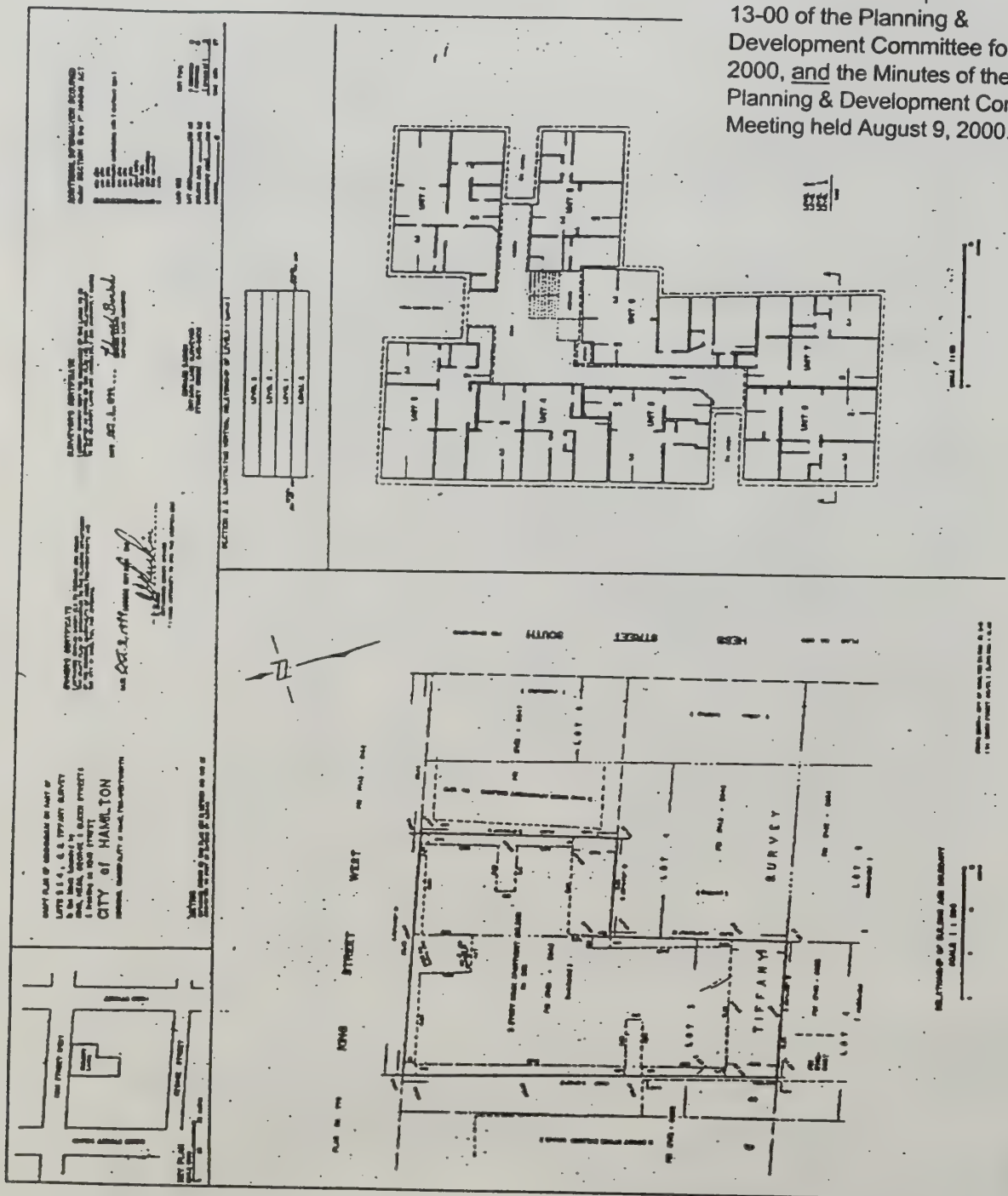
Appendix "F" referred to
in Section 13 of Report
13-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held August 9, 2000.



NOTE: All dimensions are in metres



Appendix "G" referred to
in Section 13 of Report
13-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held August 9, 2000.



CITY OF HAMILTON

- RECOMMENDATION -

4.1

DATE: 2000 September 5
CLP-00-02
Ainslie Wood East Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

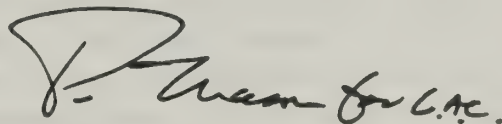
FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Cash-in-Lieu of Parking – 151 Emerson Street
CLP-00-02 (PDC00150)

RECOMMENDATION:

That the amended application by Theresia Lulgjuraj for the building at 151 Emerson Avenue, as shown on the attached map marked as APPENDIX "A", for the payment of Cash-in-lieu for six (6) parking spaces be **DENIED** for the following reasons:

- (a) The Parking Services Section of the Public Works & Traffic Department has no plans to establish municipal parking in the immediate vicinity of the proposal.
- (b) The demand for commercial parking will result in spill-over parking into the adjacent residential area.
- (c) Planning and traffic objectives are not satisfied.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

Pursuant to Section 40 of The Planning Act, Council approval is required for Cash-in-lieu of Parking. The City will not collect approximately \$13,800 for the Cash-in-lieu fund at a minimum 50% payment requirement.

BACKGROUND:

- **Proposal**

The applicant has applied under Section 40 of The Planning Act for payment of cash-in-lieu for 6 parking spaces in order to permit the expansion of an existing 30 seat restaurant by adding 24 seats for a total of 54 seats. Presently, only 4 parking spaces are available on-site. No application has been made to the Committee of Adjustment for an increase in the maximum seating capacity of the restaurant.

- **Committee of Adjustment**

A-93:221

Application A-93:221 was granted on November 24, 1993 to permit the establishment of a 30 seat restaurant within the existing building, also containing one residential apartment unit, while providing 4 parking spaces instead of the require 6 parking spaces.

A-96:159

Application A-96:159 was granted in part on August 14, 1996 to permit an addition and the expansion of the restaurant to 50 seats, with 4 parking spaces instead of the required 9 parking spaces, and a reduced front yard setback. Variances to permit an outdoor patio were denied.

The application was subsequently appealed to the Ontario Municipal Board by the area residents. The appeal was allowed and the entire application was denied on the basis that it represented an over development of the site and would be out of character with the neighbourhood. In its MEMORANDUM OF ORAL DECISION, the Board made the following comments with respect to parking:

"There already is an existing parking problem in the neighbourhood. Not all of it relates to the subject property but some of it does. The owner has operated a small neighbourhood restaurant and sports bar in the area for the last three years. He has only provided four parking spaces on site during these three years. The Board is satisfied that some of the parking deficiency for this site has spilled onto the neighbouring streets and this has had a major impact on the neighbourhood. An expanded restaurant/sports bar operation would generate significantly more traffic to this area of the City particularly because of its close proximity to McMaster University. To be allowed to expand the restaurant seating from 30 seats to 50 seats without adding additional parking on site would not be appropriate and in fact would represent bad planning...In this case, the expansion of the restaurant/bar use from 30 to 50 seats represents an over development of the site and is out of character with the neighbourhood."

A-98:139

The Committee of Adjustment, at their meeting of July 8, 1998, denied application A-98:139 by the proponent to erect a two storey addition to the easterly side of the existing commercial/residential building notwithstanding both front and side yard setback requirements could not be met, and the one required parking space could not be provided for the residential unit. The decision of the Committee was as follows:

"The Committee having regard to the evidence is of the opinion that such development would be an overintense use of the lands of detriment to the neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990."

COMMENT:

The applicant originally requested approval of cash-in-lieu of parking for 4 parking spaces in order to permit the expansion of the existing 30 seat restaurant by adding 24 seats (ie. 1 parking space/6 seats) for a total of 54 seats. However, the Building Department advised that technically the applicant should be requesting to pay for 6 parking spaces rather than 4. This is based on the fact that the increase in seating capacity cannot be examined in isolation from the remaining use of the building. Accordingly, the proposed 54 seat restaurant would require 9 spaces plus 1 for the established dwelling unit on the second floor. Out of the total 10 required spaces only 4 are existing. The applicant subsequently amended the application to request cash-in-lieu for the 6 required spaces.

The Cash-in-lieu of Parking Committee received the submission and recommended denial of the application for the following reasons:

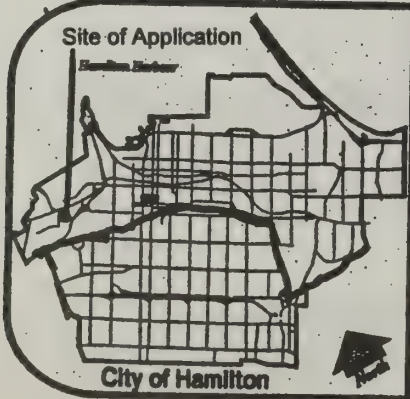
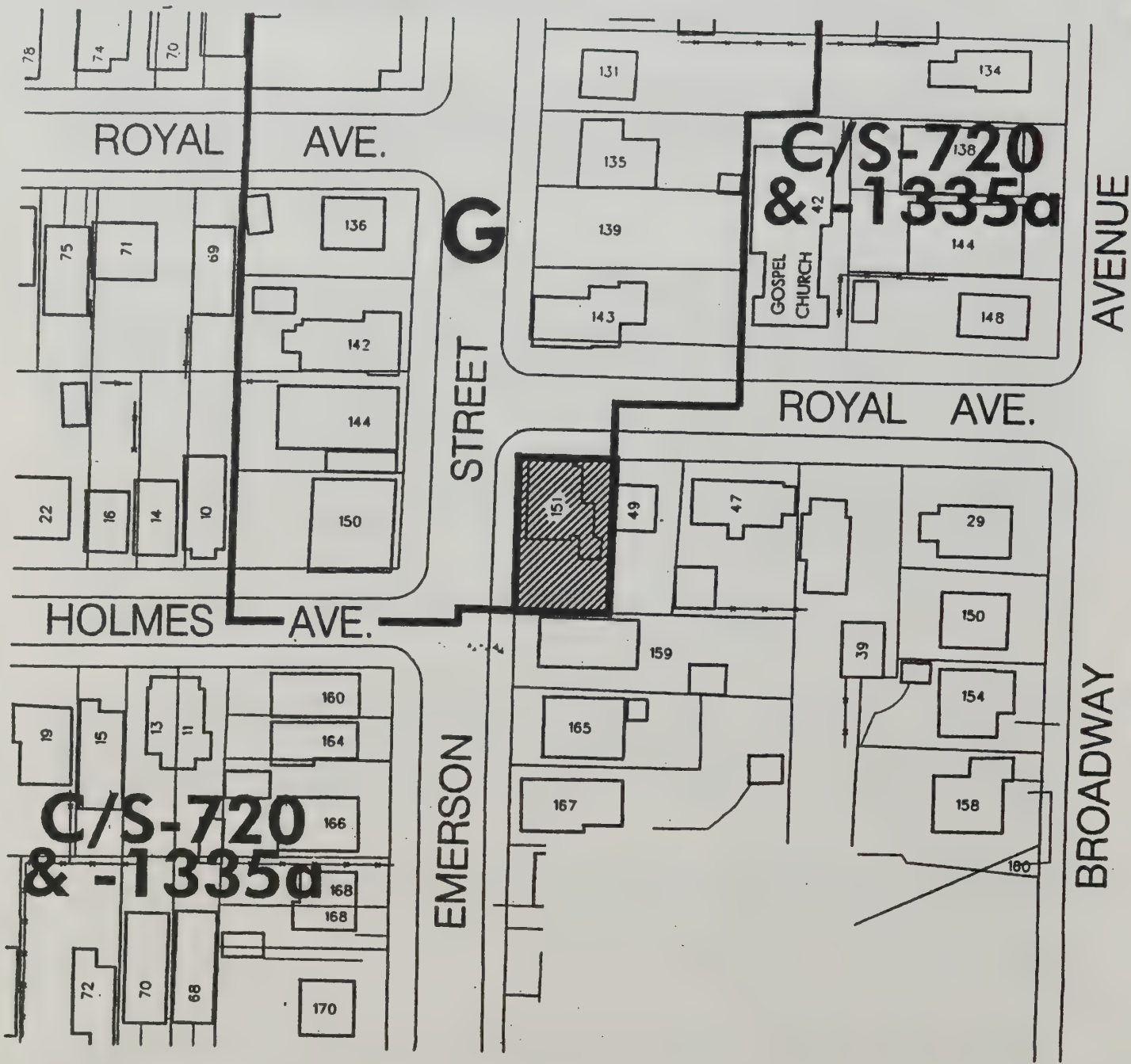
- Current parking in the area is at capacity and cannot accommodate additional vehicles. The closest Municipal parking lot is located on King Street, east of Locke Street and has been recently declared surplus to municipal needs. In this regard, Parking Services has no plans to establish municipal parking in the immediate vicinity of the proposal.
- The additional demand for commercial parking space(s) will result in spill-over parking into the adjoining residential area.
- Planning and traffic objectives are not satisfied.
- The request conflicts with the decision of the Ontario Municipal Board to allow the appeal against the Committee of Adjustment's decision to approve an expansion of the restaurant from 30 to 50 seats with 4 parking spaces instead of the required 9 (A-96:159 see BACKGROUND).

For the information of the Committee, the cost of cash-in-lieu for the 6 parking spaces has been established at \$27,600. Consistent with the cash-in-lieu policy, payments made by proponents will not be less than 50% of the total cost to be provided (i.e. \$13,800).

CONCLUSION:

Based on the foregoing, the application should be denied.

CF/PDM



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

 SITE OF APPLICATION

Reference file:
CLP-00-02
Scale
Not to Scale
Date
Sept. 2000
Technician:

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 1, 2000
ZAR-00-11
Falkirk West Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for the removal of the Holding Zone for lands located at 1088-1188 Upper Paradise Road (PDC00155)

RECOMMENDATION:

- A. That approval be given to Zoning Application ZAR-00-11, Visplar Holdings Ltd., owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for 7 lots for single detached dwellings for lands located south of Richview Drive and west of Upper Paradise Road and known municipally as 1088 – 1188 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-210, and Zoning District Map W-3 for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to remove the 'H' (Holding) symbol for lands located south of Richview Drive and west of Upper Paradise Road and known municipally as 1088 – 1188 Upper Paradise Road as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) symbol was placed on the lands until such time as the following condition was satisfied:

- a) That Upper Paradise Road has been realigned to the satisfaction of the Commissioner of Transportation.

Upon removal of the holding provision, the effect of the By-law is to permit the development of the subject lands for 7 single detached dwellings.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board Approval is Not Required

As required by the Planning Act, Council shall pass a By-law to remove the 'H' (Holding) symbol when the conditions have been satisfied.

BACKGROUND:

Subdivision Application 97-08 ("Tiffany Park") and Zoning Application 97-42

City Council, at its meeting of June 30, 1998, approved Subdivision Application 97-08 and Zoning Application 97-42. The purpose of these applications was to permit the development of the subject lands for "innovative housing" in accordance with the Falkirk West Neighbourhood Plan. In this regard, City Council passed By-law No. 98-210 on August 5, 1998 to permit the development of the subject lands for 51 lots for single family dwellings, 9 lots for semi-detached dwellings and 1 block for townhouse units in accordance with the draft approved plan of subdivision "Tiffany Park".

By-law No. 98-210 provides for special requirements for the development of Blocks "1", "2" and "3" for "wide-lot dwellings" and Blocks "4" and "5" for "neo-traditional" housing. With respect to Block "5", the By-law prohibits the development of the subject lands until the holding provision has been removed which is conditional upon the realignment of Upper Paradise Road.

Zoning Application 99-08

City Council, at its meeting of May 25, 1999 approved Zoning Application 99-08 and subsequently passed By-law No. 99-089 on June 25, 1999. The purpose of Zoning Application 99-08 was to provide for a further modification to the established zoning to permit the construction of single family dwellings and two family dwellings with either attached or detached garages, whereas the provisions of the Zoning By-law applicable to the subject lands requires that dwellings be constructed only with detached garages. In addition, the by-law removes the maximum lot coverage restriction of 40% of the lot area, established under the provisions of Zoning By-law No. 98-210 applicable to the subject lands.

Site Plan Control Application 99-48

Site Plan Control Application 99-48 was approved on March 15, 2000 and the plans were finalized on April 5, 2000.

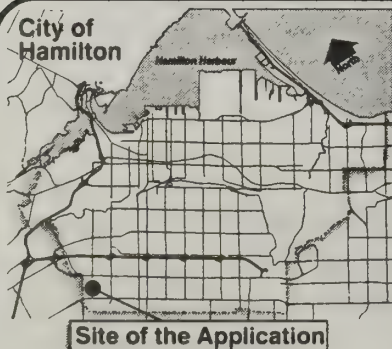
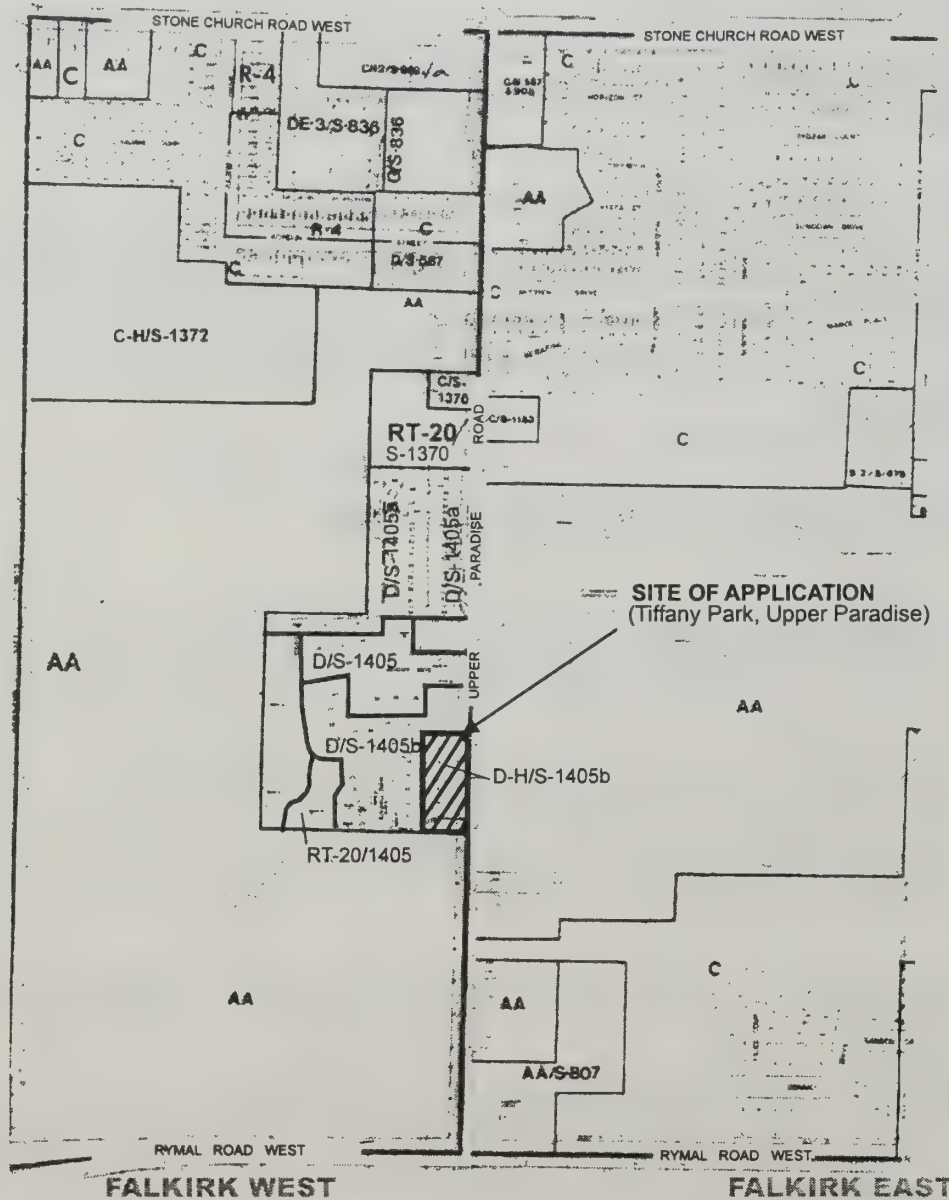
Site Plan Control Application 99-48 was for the development of 26 single detached dwellings. Site Plan Control was applied to the single detached dwellings because these lands were designated "Innovative Housing" in the Falkirk West Neighbourhood Plan and Site Plan Control would provide for an additional level of development review to ensure that the intent of the "Innovative Housing" designation was maintained.

COMMENTS RECEIVED:

- The Building Department has advised of the following:
 - "1. Site Specific By-law No. 98-210 (S-1405) identifies these lands as Block 5, and stipulates in Section 2.a) that the 'H' Symbol may only be removed on condition of "the re-alignment of Upper Paradise Road to the satisfaction of the Commissioner".
 2. Site Specific By-law 98-210 (S-1405) and 99-085 (S-1405) and 99-089 (S-1405b) set the requirements for the lots as they are to be developed; the width and area of each of lots "5" through "10" plus "Block 73" conforms to those requirements."
- The Traffic Division have advised that they have no objection to the removal of the 'H' (Holding) symbol.
- The Development Engineering Section, Land Development Department and the Roads Section, Transportation, Operations and Environment Division have advised that the subdivision agreement provides for the re-alignment of Upper Paradise Road and that the work on Upper Paradise required to ameliorate the vertical sight line problem on Upper Paradise has been completed. Therefore, they have no objection to the removal of the 'H' (Holding) symbol.

CONCLUSION:

As the Development Engineering Section, Land Development Department and the Roads Section, Transportation, Operations and Environment Division have advised that the condition of the holding zone have been satisfied, then the application to remove the 'H' symbol can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application
(Tiffany Park, Upper Paradise)
Removal of 'H' Holding Provision

Reference file:
ZAR-00-11

Scale
Not to Scale

Date
Mar. 2000

Technician:
JS

APPENDIX 'A'

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: September 15, 2000

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Item

RECOMMENDATION:

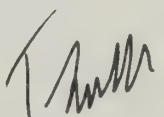
That the following Information Item, attached hereto, be received for information purposes:

- (a) Corporate Counsel re: Wesley Centre- 195 Ferguson Avenue North (PD99088G)
dated September 14, 2000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that the circulation procedure is recorded for this matter.



(a)

CITY OF HAMILTON

-INFORMATION-

DATE: September 14, 2000
(ZAC 97-09)

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Rand C. Roszell
Corporate Counsel
Corporate Services Division

SUBJECT: Wesley Centre – 195 Ferguson Avenue North (PDC99088G)

BACKGROUND:

At the September 9, 2000 Council Meeting, Council instructed staff of the Legal Services Department to participate in discussions with meridian Co-operative Homes, Wesley Urban Ministries and other interested parties with a view to reaching a compromise position concerning the Ontario Municipal Board conditions, as identified in the decisions dated February 15, 1999 and April 26, 2000. Further, staff was instructed to report back to the Planning and Development Committee at the meeting scheduled for September 20, 2000.

REPORT:

Discussions among the parties took place on September 13, 2000. Further discussions have been scheduled to take place. Once discussions are complete, staff will report to Planning and Development Committee on the outcome.

NLS

Office of the Municipal Clerk
Memorandum

5.1

TO: Tina Agnello , Secretary
Planning and Development Committee.

FROM: Kevin C. Christenson
Acting Municipal Clerk
Office of the Municipal Clerk

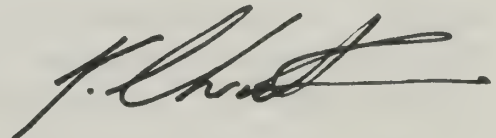
DATE: June 28, 2000

SUBJECT: Waiving of Fees for Derelict Buildings

City Council at its meeting of June 27, 2000 approved added item 15 of report 12-00 of the Planning and Development Committee as follows:

"15. That the policy Issue with respect to initiatives such as waiving of the building, park development and condominium application fees for the redevelopment of derelict buildings be referred to the Planning and Development Committee. "

Kindly take the appropriate action to place this before the Planning and Development Committee.



cc. Lee Ann Coveyduck, General Manager, Community Planning and Development Division

- 7A -

CITY OF HAMILTON

5.2

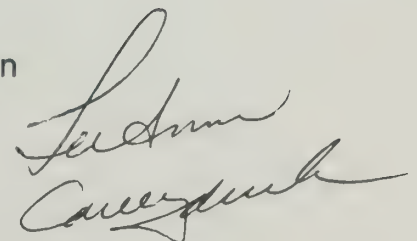
- INFORMATION -

DATE: September 11, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: 28-32 James Street South
(PDC00159)



BACKGROUND:

On September 8, 2000, an application for demolition for the building known as 28-32 James Street South was submitted to the Building Department. The application form was accompanied with a covering letter, a cheque for the application fee and a photocopy of a Plan of Survey showing the location of the building in relation to lot lines.

The owner as listed on the application for demolition is 32 James Street South Inc. The agent for the owner and applicant for the application is James G. Milligan of Milligan and Gresko, Barristers and Solicitors.

This building is six (6) storeys in building height and approximately 47,000 sq. ft. in floor area. It was built in 1955 as a bank and offices and presently, a Royal Bank branch occupies the first floor, and most of the remaining office space in the building is vacant.

The zoning of the property is "I" (Central Business District) and is subject to Site Plan Control as per By-law 90-285. This property is not listed under Local Architectural Conservation Advisory Committee (L.A.C.A.C.) and is not designated under Ontario Heritage Act (O.H.A.).

In addition to the above, this building does not provide any residential tenancies and in accordance with Demolition Control By-law 74-290, the application for demolition is not required to be approved by Council.

Prior to issuance of the demolition permit the applicant is to submit the "Building Department Disconnection of Services Form" and a Letter of Undertaking and review from a professional engineer in accordance with Ontario Building Code Sections 2.3.2.3 and 2.4.1.1.

:LS

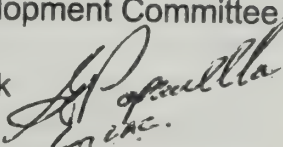
CITY OF HAMILTON

5.3

- INFORMATION -

DATE: September 15, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck 
General Manager
Community Planning and Development Division

SUBJECT: Application for Demolition - 723 Rymal Road West
(PDC00161)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

Report PDC00161 has been prepared for the information of the Chairman and Members of the Planning and Development Committee. In accordance with Section 33 of the Planning Act, Council approval is not required for a demolition permit for a commercial building.

BACKGROUND:

On August 29, 2000, a demolition permit application was submitted to the Building Department to demolish a vacant brick house previously used as a single-family dwelling for lands located at 723 Rymal Road West (see Appendices "A" and "B"). Information on this demolition application is brought to the attention of the Committee because this brick house is on the City's inventory list as being of heritage/historic interest to the City and to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) but it is not designated as an historic building pursuant to the Ontario Heritage Act.

In 1999, City Council approved Zoning Application 99-24 for the subject lands. Official Plan Amendment No. 158 and Zoning By-law No. 99-058 were subsequently passed by for the subject lands.

The application, as originally submitted, proposed to demolish the existing residential dwelling for use as part of the parking area. At the request of Land Development staff, the applicant revised the application to provide for the adaptive reuse of this building for a "tea house" in conjunction with the Community Care Access Centre. As noted in the staff report the rationale for approving the application, among other considerations, was that the amended proposal provided for the adaptive re-use of the existing heritage dwelling.

The implementing Official Plan Amendment provided for the use of the subject lands for a mixed use commercial-residential development within the "Residential" designation. Specifically, the Official Plan Amendment incorporated a provision within Special Policy Area No. 81 to permit the adaptive reuse of the existing heritage dwelling for use as a small scale restaurant. In addition, the Official Plan Amendment states **"limited commercial uses will also be permitted provided that the external appearance and character of the existing heritage dwelling will be maintained."** (Subsection 1.ii) of SPA No. 81).

The proposed demolition of the heritage dwelling will mean that Subsection 1.ii) of SPA No. 81 will no longer be met. If Subsection 1.ii) is not complied with, then commercial uses will not be permitted within SPA No. 81. As such, the demolition of the heritage dwelling will necessitate the need for an Official Plan Amendment prior to any consideration of a site plan revision for the subject lands. It is noted that within the City of Hamilton, Land Development staff has required that an applicant obtain an Official Plan Amendment prior to the submission of a site plan even if the proposed use complies with the zoning (i.e. Official Plan Amendment No. 159 was required for the development of 1620 Upper Wentworth Street for a nursing home even though the "E-2" District provisions permit a nursing home).

In 1999, the applicant applied for site plan approval for the subject lands (File No. DA-99-23). Due to staff concerns relating to the regrading and site alterations of the subject lands that resulted in the finished floor elevation of the heritage building being approximately 2.0 m higher than the parking area, the applicant was required to satisfy the following conditions of site plan approval:

- "(vii) that the applicant undertake the following measures related to the preservation and maintenance of the existing dwelling to the satisfaction of the Director, Community Planning Department, Community Planning and Development Division:
 - a) that the owner retain a restoration architect or structural engineer, specializing in historic buildings, to undertake an investigation of the historic building on the subject lands to determine if there are any problems associated with the stability of the historic structure;
 - b) that a report be prepared by a restoration architect or structural engineer, specializing in historic buildings, on the actions required to safeguard the structural soundness of the historic building for both the re-grading process and its permanent siting. The feasibility of lifting and regrading the subject lands to provide a more appropriate context for the building shall be incorporated into the structural review of the heritage building;
 - c) that the recommended stabilization measures be implemented; and,

- d) that a landscape architect prepare a landscape plan for the historic building that ensures a compatible setting.
- (viii) that the location and size of the loading space, is approved subject to the following:
 - a) as shown on the drawings subject to the recommendations of the structural engineer on the actions required to safeguard the structural soundness of the historic building for both the re-grading process and its permanent siting; OR,
 - b) that the applicant apply for and receive final approval from the Committee of Adjustment to reduce the size of the required loading space to 9.0m x 3.7m x 4.3m and that said loading space be relocated and the site plan, grading plan and landscape plan be amended accordingly, to the satisfaction of the Manager, Development Planning and the Supervisory of Traffic Studies/Traffic Technologists."

The applicant subsequently submitted two reports prepared by different structural engineers. The report prepared by A&M Engineering concluded that "The house and the surrounding area will be regraded and landscaped by the architect and this will not impact the stability of the house." The report prepared by Jokinen Engineering Services considered the following options:

- Redesign grading;
- Lower the house; and,
- Move the house.

Based on a review of these options, Jokinen Engineering Services concluded that based on design constraints and economic costs, "A terraced wall structure can be provided which will protect the structural integrity of the building".

To facilitate the use of a terraced wall structure, the applicant applied for and received approval from the Committee of Adjustment for a minor variance to reduce the size of the required loading space to 9.0m x 3.7m x 4.3m. The loading space was relocated to provide for a better transition at the rear of the heritage dwelling between the finished floor elevation and the grades at the property line.

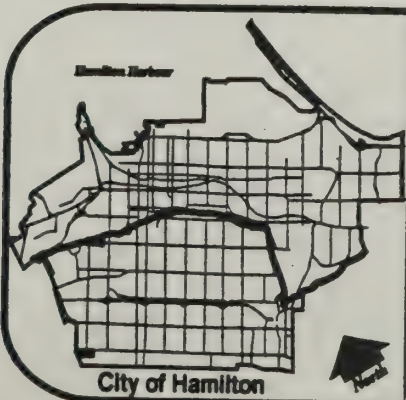
On the basis of the foregoing, Planning staff advised the applicant's lawyer that before his client may obtain a demolition permit, the applicant will be required to apply for:

1. an amendment to the existing registered site plan agreement to address the proposed demolition; and,

2. an amendment to the official plan, specifically Special Policy Area No. 81, which had been expressly established for this development that require that owner maintain the existing heritage dwelling while it enjoys the increased permitted professional office uses on the site.

This has been reviewed with Legal Services staff who are in agreement.

The building permit for construction of the new 2-storey Community and Residential Care Access Centre (issued on March 6, 2000) did not include the proposed alterations for conversion of the existing brick house to a restaurant use. However, because the brick house has ceased use as a residential single-family dwelling and because the only permitted use, pursuant to Zoning By-law 99-58, is a commercial restaurant, City Council approval to the proposed brick house demolition pursuant to the City's Demolition Control By-Law 74-290 is not required by the owner.



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

 SITE OF APPLICATION

Reference file:

DA-99-23

Scale

Not to Scale

Date

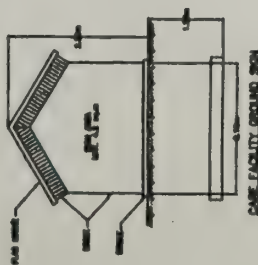
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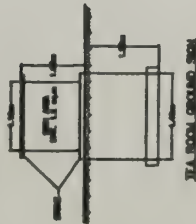
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APPENDIX A

WESTMOUNT COMMUNITY RESIDENTIAL CARE ACCESS CENTRE ST. JOSEPH'S HOSPITAL



CARE FACILITY GROUND PLAN



2nd FLOOR GROUND PLAN



KEY MAP

DEVELOPMENT DETAILS:

TOTAL LOT AREA - 7534.82 m²
 TEA ROOM - 146.75 m² - 28.75% building covering
 MAIN BLDG. - 2131.18 m² - 28.14% building covering
 DRIVEWAY AREA - 2971.40 m²
 LANDSCAPED AREA - 2534.82 m² (33.40) 208 m
 MAX BUILDING HEIGHT - 2 STOREYS
 MAX FRONT YARD - 5.7m
 MAX SIDE YARD - 5.7m
 MAX REAR YARD - 11.1m
 MAX GROSS FLOOR AREA - 4880 m²
 RESIDENTIAL PORTION - 2715 m²
 COMMERCIAL PORTION - 1800 m²
 LOADING SPACE - BASED ON 1800 m² OF COMMERCIAL
 THEREFORE 1 PROVIDED (3.7m x 10m x 3m)
 RESIDENTIAL CARE FACILITY OF MAX 25 PERSONS
 (SECOND FLOOR ONLY)
 SHORT TERM CARE FACILITY OF MAX 28 PERSONS
 (FIRST AND SECOND FLOOR)

EXISTING:

COMMERCIAL FLOOR AREA 1800 m² 44 SPACES
 RESIDENTIAL CARE - 81 RESIDENTS 17 SPACES
 TOTAL - 81 required spaces
 88 provided spaces

GENERAL NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ROADS AND DRIVEWAYS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND BARRIERS.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ROADS AND DRIVEWAYS.
11. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND BARRIERS.
12. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS.

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REVISED	DATE

AGENDA

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday October 4, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Tina Agnello
Legislative Assistant

CALL TO ORDER

URBAN MUNICIPAL

OCT 04 2000

1. DECLARATIONS OF INTEREST

GOVERNMENT DOCUMENTS

2. PUBLIC MEETINGS:

2.1 Request for a Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156)

2.1.1 Submission from Cindy and Rob Vanderstar, 189 Chesley Street Hamilton

2.2 Request for a further Modification in Zoning for Land Located at the South-East Corner of Chedmac Drive and Redfern Avenue. (ZAR-00-26) (PDC00160)

2.3 Zoning Application (ZAR-00-29), Columbia International College, Owner, for a further Modification to the Established "HH" (Restricted Community Shopping and Commercial) District for Lands Known as 1033 Main Street. (PDC00164)

3. ADOPTION OF MINUTES

3.1 Minutes of the Regular Meeting Held September 20, 2000

4. CONSENT ITEMS

- 4.1 Demolition of 152 Park Street North (PDC00162)
- 4.2 Demolition of 100 Rainbow Drive (PDC000163)
- 4.3 Removal of the Holding Zone (ZAR-00-28) – 1780 to 1808 Main Street West (PDC00165)
- 4.4 Payment for Accrued Parkland Credit, Allison Estates- Phase 1 (CS00027)
- 4.5 Information Report

5. DISCUSSION ITEMS

- 5.1 Request for a waiver of the 2 year building requirement as per bill PR 140 for Belvidere property from Clair W. Sellens
- 5.2 Downtown Convert/Renovate to Residential Loan Program, 11 Rebecca Street, Hamilton (HSB00016)

6. OTHER BUSINESS

7. ADJOURNMENT

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: September 7, 2000
Gourley Neighbourhood (P5-2-53)

REPORT TO: Chairman and Members
Planning and Development Committee

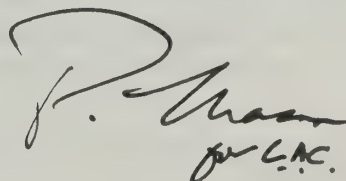
FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a Neighbourhood Plan Amendment - Changes to the proposed road pattern in the north-east quadrant of the Gourley Neighbourhood Plan. (PDC00156)

RECOMMENDATION:

That the Gourley Neighbourhood Plan be amended, as shown on APPENDIX "A", as follows:

- (i) to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,
- (ii) to extend Chesley Street northerly to connect with the planned east-west street.



J. P. Macdonald
for C.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the City of Hamilton Official Plan, Council shall hold at least one public meeting to consider an application for a Neighbourhood Plan Amendment.

BACKGROUND:

Neighbourhood Plan

The Gourley Neighbourhood Plan was approved by City Council on December 12, 1972 (Stage 1 – westerly portion of the neighbourhood) and September 25, 1990

(easterly portion of the neighbourhood). The approved neighbourhood plan provides for Chesley Street to connect with Appleblossom Drive. Annabelle Street is planned to be extended north to intersect with Brigadoon Drive.

It is noted that the extension of Annabelle Street north of Chester Avenue requires land assembly in that the proposed extension of Annabelle Street affects 14 properties.

Proposal

The application has been received from Starward Homes, Inc. for changes to the proposed road pattern in the north-east quadrant of the Gourley Neighbourhood Plan.

The approved Neighbourhood Plan identifies Chesley Street connecting with Appleblossom Drive. The application is to revise the road pattern as follows:

- to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,
- to extend Chesley Street 60 m north to connect with the planned east-west street.

The proposed changes to the Gourley Neighbourhood Plan are shown on APPENDIX "A".

The applicant has proposed the changes to the neighbourhood plan to resolve access and servicing concerns. This will allow for the development of the "Fontana Gardens" draft approved plan of subdivision, "Orchards North" Council approved plan of subdivision and the "Orchards North Addition" draft approved plan of subdivision.

COMMENTS RECEIVED:

- The Traffic Division have advised of the following:

"The proposal to extend Chesley Street northerly to connect with the planned east-west street shown as Street "A" on the "Orchard North" draft approved plan of subdivision would increase traffic on this section of roadway. Chesley Street would become the major access to these subdivisions until Annabelle Street is extended. Once Annabelle Street is extended northerly, motorists would continue to use Chesley Street as a direct connection to Stone Church Road.

We recommend that the roadways be located as shown in the approved Gourley neighbourhood plan."

- The Development Engineering Section, Land Development Department have advised of the following:

"This Department has no objections to the proposed revisions as the proposed alignment of Chesley Street will provide a superior servicing alignment then the existing approved road pattern. This will result in a more efficient operation and less costly maintenance over the life cycle of the service. This alignment will remove the need for servicing within an easement and therefore remove the associated costs and liabilities."

COMMENTS:

1. In evaluating the proposed neighbourhood plan change, Community Planning and Development Department staff have identified 3 options. The options considered were:
 - no change (i.e. development to proceed in accordance with the approved neighbourhood plan);
 - revise the road pattern; or ,
 - amend the neighbourhood plan to provide for a sewer easement (with or without a pedestrian walkway).

No Change: The Development Engineering Section has advised that development can be accommodated based on the existing approved neighbourhood plan but this option is the least efficient in terms of the linear amount of infrastructure required. In addition, based on a preliminary engineering review, the long term municipal maintenance costs maybe potentially higher if servicing is provided based on the approved road pattern.

The Traffic Division have recommended that development proceed in accordance with the approved neighbourhood plan.

Revised Road Pattern: The road pattern within the Gourley Neighbourhood is a mixture of both a linear grid road pattern (easterly portion) and a curvilinear road pattern (westerly portion). The area of the proposed neighbourhood plan amendment is where the two road patterns meet and the approved neighbourhood plan attempts to provide for a transition between these two different road patterns.

The net effect of the proposed neighbourhood plan change is to extend the grid road pattern approximately 60 metres northerly. In addition to providing a more efficient servicing strategy, the proposed amendment to the neighbourhood plan will ultimately allow for traffic to be dispersed over four road connections from Brigadoon Drive to Chester Avenue. This will reduce the amount of traffic in the vicinity of the existing elementary school fronting onto the extension of

Appleblossom Drive.

It is noted that the requested amendment to the approved neighbourhood plan will not increase the number of traffic trips generated but will affect how the vehicles move through the neighbourhood. The Traffic Division have advised that until such time as Annabelle Street is extended northerly, Chesley Street would become the major access to the "Orchards North" and "Orchards North Addition" subdivisions. Furthermore, the Traffic Division have advised that motorists would continue to use Chesley Street as a direct connection to Stone Church Road.

Servicing Easement: As previously noted, although technically feasible, development in accordance with the approved neighbourhood plan is not the preferred servicing option. To minimize the amount of infrastructure required, and rather than revising the road pattern, servicing could be accommodated by way of a sewer easement connecting Chesley Street with the east-west street.

At the time of Council approval of the "Orchards North" subdivision in 1996, amendments to the Gourley Neighbourhood Plan were required. Specifically, Appleblossom Drive was extended northerly to connect with the east-west street (Street "A"). This amendment was required to facilitate the servicing of the neighbourhood, provide for a second access point and to eliminate the need for a sewer easement from Chesley Street to Street "A".

Where feasible, Community Planning and Development Division staff have attempted to avoid the use of easements for servicing due to operational concerns when the City/Region must undertake maintenance of infrastructure within an easement on private property. Where it is not feasible to provide the required infrastructure within the road allowance, then the use of walkways are considered (e.g. "Scenic Park South" subdivision in the Mountview Neighbourhood). To avoid safety concerns, the walkways are 12.0 m wide and must be located to facilitate pedestrian access.

Due to on-going operational concerns, then the use of a servicing easement on private property is not the preferred servicing strategy. Alternatively, based on a review of the approved road pattern and land uses, a pedestrian walkway connecting Chesley Street and Street "A" is not warranted.

2. At the time of development approvals of the "Orchards North" subdivision, the Traffic Division advised of the following:

"The development as proposed will generate a significant increase in traffic volumes on the existing local streets in the neighbourhood. Therefore, we recommend that development of the subject lands be conditional on the establishment of the local streets between the subject lands and Chester Avenue

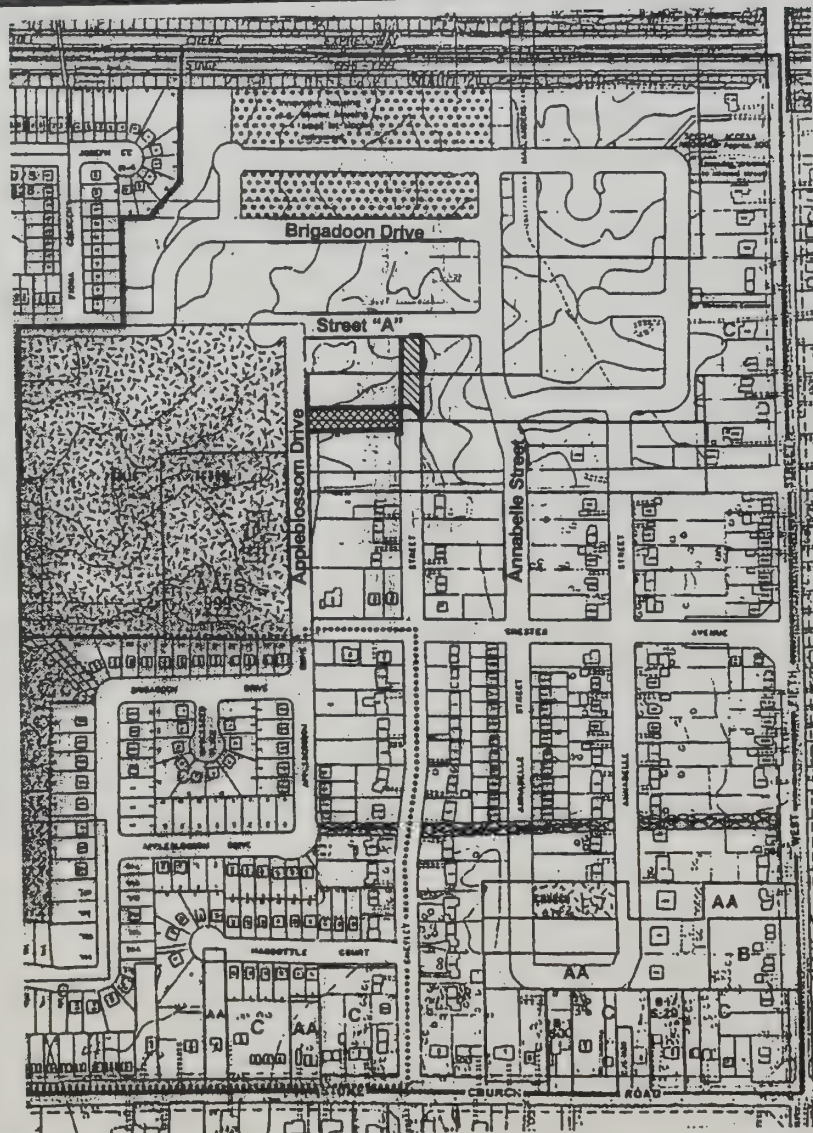
in order to provide access to the development from both West 5th Street and Garth Street."

In this regard, as a condition of draft plan approval the number of units that can develop on a single access point is restricted to 100 units.

3. The requested amendment to the approved neighbourhood plan can be supported for the following reasons:
 - will not increase the number of traffic trips generated but will affect how the vehicles move through the neighbourhood;
 - the proposed neighbourhood plan amendment will provide for a better transition between the existing grid road pattern to the south and the curvilinear road pattern to the north;
 - it will provide for a more efficient servicing strategy and may avoid the requirement for a servicing easement; and,
 - it will reduce the amount of traffic in the vicinity of the existing elementary school fronting onto the extension of Appleblossom Drive.

CONCLUSION:

Based on the foregoing, the request to amend the Gourley Neighbourhood Plan can be supported.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



Community Planning and Development Division

Location Map

Legend



Proposed Road To Be Deleted



Proposed New Road

Reference File No.

P5-2-53

Scale

NOT TO SCALE

Date

August, 2000

Drawn By

L. M.

APPENDIX 'A'

SEP 26 2000

REC. BY _____ DATE _____
 RECD TO _____ DATE _____
 RECD TO _____ DATE _____
 RECD TO _____ DATE _____

ACTION: _____

2.1.1

Cindy & Rob Vanderstar
 189 Chesley Street
 Hamilton, Ontario
 L9C 3W2
 (905) 383-4391

September 22, 2000

Secretary
 Planning & Development Committee
 City of Hamilton
 71 Main St. W.
 Hamilton, Ontario
 L8P 4Y5

SEP 25 2000

Dear Sir or Madam:

We wish to express our concerns about the proposed changes to the road pattern for the **Gourley Neighborhood**.

We are not opposed to change BUT...as concerned parents who live on the "**main drag**" of Chesley Street where the traffic, including city buses race by at speeds well over the limit, we are worried about the added volume this new development will create. More importantly, our street does not have sidewalks, which affects (a) children walking, (b) parents with strollers, (c) elderly people walking, (d) handicapped people, (e) people waiting for the buses, and makes it very challenging and dangerous along our street. Increased traffic will only exacerbate the problem and our fears.

We are the **ONLY** street in our neighborhood that does not have proper curbing and/or sidewalks.

We hope you will look into this matter and consider it seriously before making your final decision. Should we be lucky enough to receive sidewalks etc. we would hope that our taxes would not increase beyond the already elevated rates we pay. We have talked with many other families on our street who share our concerns.

Thank you very much for your time and we look forward to hearing the outcome of this proposal.

Sincerely,


 The Vanderstars

CITY OF HAMILTON

2.2

- RECOMMENDATION -

DATE: 2000 September 18
Mountview Neighbourhood
ZAR-00-26

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: ZAR-00-26 Request for a further modification in zoning for lands located at the south-east corner of Chedmac Drive and Redfern Avenue (PDC00160).

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-00-26, St. Peters Health System, prospective owner,** for a further modification to the established "AA" (Agricultural) District regulations, to permit a two-phase nursing home (long term care facility) with a maximum capacity of 180 beds for Block "1" (phase 1) and 120 beds for Block "2" (phase 2), for lands located at the south-east corner of Chedmac Drive and Redfern Avenue, as shown on the attached Map marked as APPENDIX "A", on the following basis:

- (a) That the "AA" (Agricultural) District regulations as contained in Section 7A. of Zoning By-law 6593, as amended by By-law 96-152, applicable to the subject lands, be further modified to include the following variances, as special requirements:
 - (i) That notwithstanding Section 4.(a) of By-law No. 96-152, the following uses shall be permitted:
 - (1) a nursing home with a maximum capacity of 180 beds and accessory uses thereto on Block "1"; and,
 - (2) a nursing home with a maximum capacity of 120 beds and accessory uses thereto on Block "2".
 - (ii) That Section 4.(b) of By-law No. 96-152 shall not apply to Block "1" or Block "2".
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 and W-37 be notated S-1363a.

- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 and W-37 for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the established "AA" (Agricultural) District regulations, for lands located at the south-east corner of Chedmac Drive and Redfern Avenue, shown as Block "1" and Block "2", on the attached Map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for a two-phase maximum 300 bed nursing home (long term care facility) and ancillary support and administration uses. The two phases would comprise of:

Phase 1 – Located on Block "1" comprising of the westerly portion of the site (1.78 ha) containing a maximum of 180 beds.

Phase 2 – Located on Block "2" comprising of the easterly portion of the site (1.46 ha) containing a maximum of 120 beds.

In addition, the By-law eliminates the special provision applicable to the lands under By-law No. 96-152, which would allow a building height of 3 storeys for phase 1, and 6 storeys for phase 2. The maximum height provision for the "AA" (Agricultural) District of 2 ½ storeys and 11 m will apply.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Chedmac Planning Area Secondary Plan (Official Plan Amendment No. 135)

On January 10, 1997, Official Plan Amendment No. 135 was approved, incorporating a new Secondary Plan into the Official Plan for the Chedmac Planning Area, comprising lands within the Mountview Neighbourhood. The Secondary Planning process was initiated as a result of proposals by Chedoke Health Corporation to develop surplus

lands. The subject lands are part of the lands retained by Chedoke Health Corporation for institutional purposes. As such, the lands are designated "Institutional" by the Chedmac Planning Area Secondary Plan.

Zoning By-law No. 96-152

Zoning By-law No. 96-152, passed by Council on September 24, 1996, implemented the Chedmac Planning Area Secondary Plan. The By-law modified the "AA" (Agricultural) District provisions applicable to the lands to be retained by Chedoke Health Corporation for institutional purposes, including the subject lands. The modifications restricted permitted uses to a public and private hospital, a day nursery, public parking, a residential care facility for a maximum of 40 persons, a sanatorium, medical offices and a laboratory. The by-law also established special height provisions, allowing a height of 3 storeys for buildings within 30 m of a residential district and a height of 6 storeys for buildings at least 30 m away from a residential district.

Review of Residential Care Facilities, Long Term Care Facilities and Correctional Facilities

On February 9, 1999, City Council directed the Community Planning and Development Division to undertake a study of land use planning policies respecting residential care facilities, long term care facilities and correctional facilities. Consequently, in May 2000, a discussion paper was finalized, which investigates the terminology used with respect to residential and long term care facilities (including nursing homes) and locational criteria, policy directions and zoning performance standards for these non-traditional housing forms. The discussion paper will be reviewed by the public and interested parties as part of a public consultation phase. Upon completion of the public consultation phase, recommendations will be formulated for presentation to Council.

Proposal

The subject lands, shown as Block "1" and Block "2" on APPENDIX "A", consist of 3.24 ha of vacant land currently owned by Chedoke Health Corporation. St. Peter's Health System is proposing to purchase the lands from Chedoke Health Corporation for the purpose of development for a maximum 300 bed nursing home. A preliminary Site Plan is attached as APPENDIX "B". The development would occur in two phases. The first phase of the development on the westerly portion of the site (1.78 ha) would contain a maximum of 180 beds and support and administration offices within a 1 to 2 storey building. The second phase, on the easterly portion of the site (1.46 ha), would contain a maximum of 120 beds within a 2 storey building. The applicant is proposing to sever the first phase lands (1.78 ha) from the larger Chedoke land holdings prior to development of the first phase. The second phase lands (1.46 ha) would be severed at a later date and merged in title with the first phase lands. Consequently, although the lands would be developed in two phases, the nursing homes would function as one facility, with shared accessory support and administrative components. The proposed nursing home is intended to be a new facility, in addition to the existing St. Peter's facility currently located in Hamilton on Maplewood Avenue.

APPLICANT:

St. Peters Health System, prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- 221.49 m of frontage on Redfern Avenue;
- 83.07 m of frontage on Chedmac Drive; and,
- an area of 3.24 ha.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant institutional land	"AA" (Agricultural) District, modified
<u>Surrounding Lands</u>		
To the north	Vacant and Single-family Residential	"R-4" (Small Lot Single Family Dwelling) District
To the east	Vacant institutional land and hospital	"AA" (Agricultural) District, modified
To the west	Vacant and Single-family Residential	"R-4" (Small Lot Single Family Dwelling) District
To the south	Recreational (Chedoke Twin Pad Arena) and hospital	"AA" (Agricultural) District, modified

OFFICIAL PLAN:

The subject lands are designated "Major Institutional" on Schedule A - Land Use Concept of the Official Plan. The primary uses permitted are for cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses. The following policy should be noted:

"A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a

Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens; and,
- iv) The proposal satisfies the provisions of subsections C.2 and C.9."

The subject lands are also located within the Chedmac Planning Area and are designated "Institutional" by the Secondary Plan. The following policy should also be noted:

"A.6.1.2 ii) *Major Institutional*

It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, Subsection A.2.6 -Major Institutional Uses of this Plan and the following policies:

- a) New major institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New major institutional recreational facilities shall be designed in a comprehensive manner with existing recreational facilities.
- c) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals shall be designed to mitigate any negative impact on adjacent residential development."

The proposal complies with the Official Plan and Chedmac Planning Area Secondary Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Civic and Institutional" by the Approved Mountview Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Community Planning and Development Division, Building Department advised of the following:

- “1. A ‘nursing home’ use is defined in the By-law (Section 2.(2)B(iv) and is not permitted by Site Specific By-law 96-152. Note that the zoning application specifies 2 Phases of 180 and 120 beds, while the attached information report mentions 180 and 150. An ancillary office use might be required for the support and administrative wing of Phase I.
 2. Clarification of the land ownership is in order. The westerly Phase I is situated on city lands shared with the twin pad arena (the municipal address is 91 Chedmac Drive), while Phase II is situated on a portion of the Chedoke Hospital lands, address 555 Sanatorium Road. Will the lands be severed or leased? Will the site plans and parking requirements include these other buildings and uses? Multiple non-residential use buildings are permitted in the district. Chedoke contains no residential buildings.
 3. Both parcels, as sketched, meet lot width and area requirements of 60m and 12,000m² (2.97 ac.) respectively.
 4. Front, side and rear yard requirements are 12m, 4.5m, and 10.5m respectively. The westerly Phase I building utilizes Chedmac Drive as its front on the sketch supplied with the application.
 5. By-law 96-152 permits a height of 3 storeys for Phase I and 6 storeys for Phase II if they are located as shown on the sketch.
 6. Parking requirements for Nursing Homes is 1 parking space per 3 patient beds. Loading spaces are not required for the nursing home use, but are required for the support and administration wing if it exceeds 450m² of offices.”
- The Community Planning and Development Division, Development Engineering Section advised of the following:

“With respect to your letter dated July 18, 2000, we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The road allowances on Chedmac Drive and Redfern Avenue were previously established through the registration of Plan 62M-846 and Plan 62M-850. For the owners information, as a condition of development approval the applicant will be required to pay to the City of Hamilton and the Region of Hamilton-Wentworth all outstanding servicing, land costs, prepare the necessary reference plans, etc. and enter into the appropriate agreements, as required by the Municipality, to lift the .30m reserves on Chedmac Drive and Redfern Avenue shown as Block 53 on 62M-850 and part of Block 59 on Plan 62M- 846.

Further comments on access, grading, sight visibility triangles, etc. will be submitted at such time as these lands are developed through site plan control.”
 - The Community Planning and Development Division, Land Development Department advised that the proposal conforms to the intent of the Hamilton-

Wentworth Official Plan and falls within the parameters of the Provincial Policy Statement.

- The Hamilton Region Conservation Authority advised of the following:

"Staff of the Hamilton Region Conservation Authority has reviewed the above-noted application. The applicant is proposing to rezone about 3.24 ha of vacant land to permit a nursing home. There will be a significant change in the amount of impervious surfaces with this proposal, altering the quality and quantity of storm water run-off from the site. Storm water quantity and quality control is provided for through a communal detention facility constructed for this neighborhood. The design capacity for the pond should not be affected by the proposed use. Therefore, we have no concerns with this application rezone the lands to permit a nursing home."

- The Social and Public Health Services Division advised of the following:

"ANALYSIS:

These proposals include a number of very positive features. Given the current shortage of Long Term Care Beds in the community, this development would help meet an urgent need. The residents of this proposed development would have convenient access to public transportation, shopping, a number of churches and community centres.

The area for this proposed development is a densely populated area which could allow for the placement of aging parents nearby to family.

COMMENT:

The Social and Public Health Services Division supports this proposed development and we thank you for the opportunity to offer our comments."

- The Traffic Engineering Section, Transportation, Operations and Environment Division have no comment or concern.

COMMENTS:

1. The proposal complies with the Official Plan, the Chedmac Planning Area Secondary Plan and the Approved Mountview Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - The proposed nursing home is consistent with health and medical related uses currently permitted on the subject lands.
 - The proposal would be compatible with existing and proposed future land uses within the neighbourhood.
 - The concept plan submitted with the application indicates the building height (one to two storeys) would be compatible with adjacent low density development and sufficient open space will be provided to appropriately buffer and screen adjacent

residential land uses. In addition, in accordance with Policy A.6.1.2 of the Chedmac Planning Area Secondary Plan, the preliminary concept plan would facilitate a comprehensive campus like setting for the proposed nursing home.

- In accordance with the comments from the Social and Public Health Services Division, there is an urgent need for Long Term Care Beds in the community. Furthermore, the subject lands are appropriately located close to public facilities and amenities, such as public transportation, shopping, open space, etc.
3. Site specific Zoning By-law No. 96-152 would allow a building height of 3 storeys for phase 1, and 6 storeys for phase 2. Consequently, a special provision should be incorporated into the proposed By-law to eliminate this height provision, since the proposed buildings are 1 to 2 storeys in height. The maximum height provision for the "AA" (Agricultural) District of 2 ½ storeys and 11 m should apply.
 4. As indicated within the Background section of this report, the City of Hamilton is currently undertaking a review of long term care facilities. This proposal would not conflict with the findings contained in the Residential Care Facilities, Long Term Care Facilities and Correctional Facilities Discussion Paper (May 2000).
 5. The Building Department comments (no. 2.) indicate that the land ownership of the subject lands should be clarified. The application includes a sworn declaration that the Chedoke Health Corporation are the registered owners of the land. Furthermore, the applicant has submitted a surveyor's sketch of the affected lands and assessment data confirms that Chedoke Health Corporation owns the lands. Respecting Building Department comment no. 1., the applicant has clarified that the phase 2 nursing home would accommodate a maximum of 120 residents, not 150.
 6. Institutional uses within the "AA" (Agricultural) District are subject to Site Plan Control. Accordingly, matters such as grading, parking, maneuvering, loading, landscaping and buffering, etc., will be further reviewed at the Site Plan stage of development.

Furthermore, the preliminary concept plan attached as APPENDIX "B" indicates that the parking areas would be located in front of both buildings (phase 1 and phase 2). It would be preferable to re-orient the parking and loading areas to the rear of the buildings to improve the streetscape facing the residential neighbourhoods and reduce the impact of parking and loading activity on nearby residential areas. As such, the future Site Plan applications should incorporate these revisions.

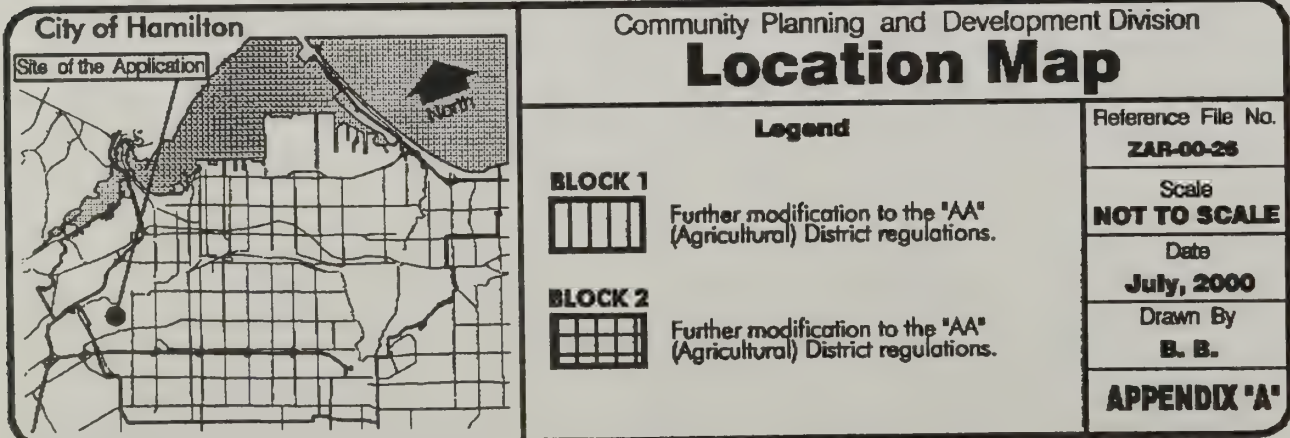
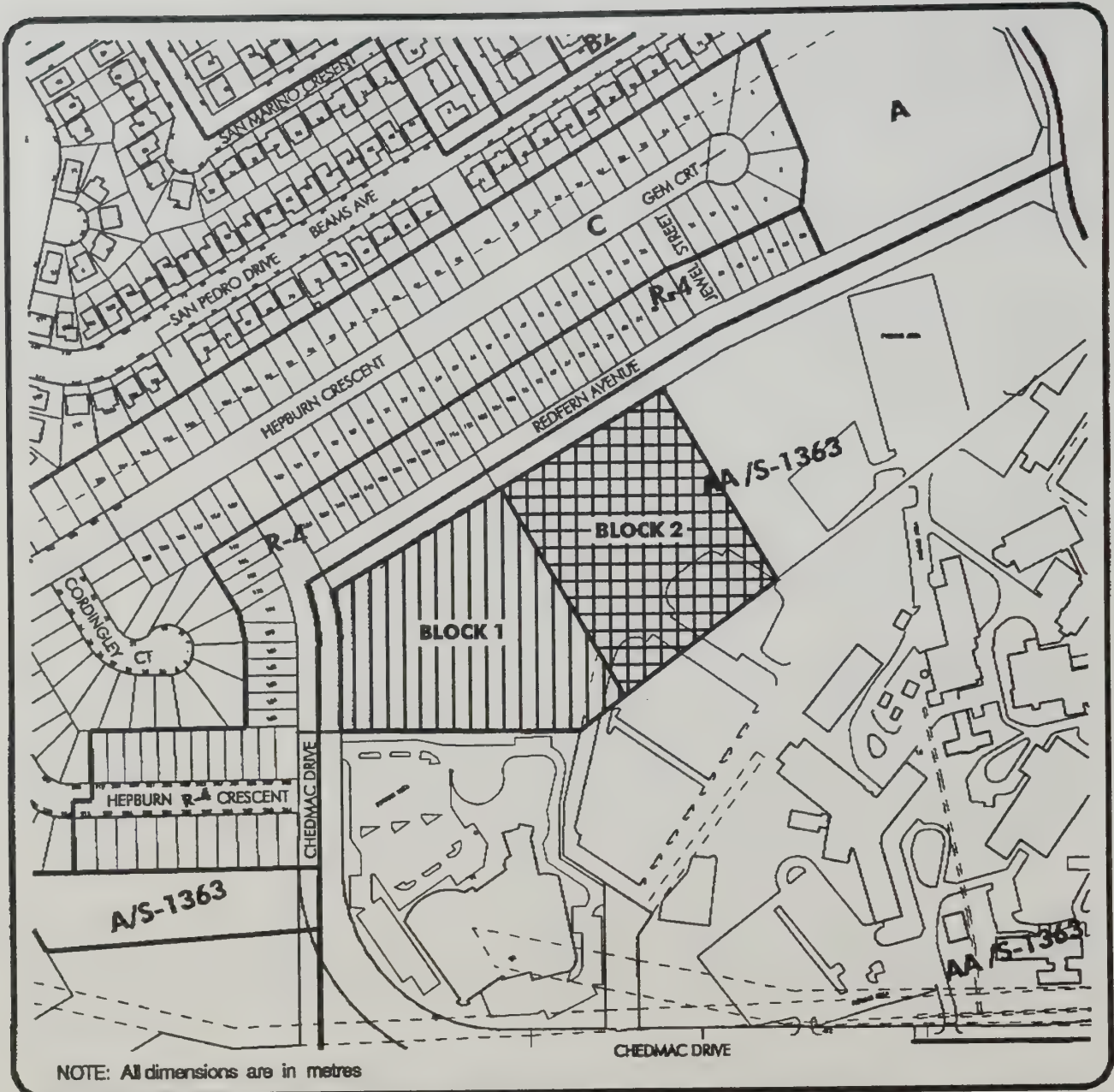
The preliminary concept plan also proposes vehicular access from both Redfern Avenue and Chedmac Drive. We understand that residents in the Mountview Neighbourhood are concerned about potential increases in traffic on these streets. In this regard, the possibility of accessing the nursing home site from the rear, via the internal Chedoke Hospital road system, has been raised. This would require a right-of-way to be established over Chedoke Health Corporation land, in favour of the St. Peters Health System. The merits and feasibility of an alternative or secondary access over Chedoke lands would be appropriately reviewed during the Site Plan stage of development.

7. The Development Engineering Section have indicated that the applicant will be required to pay all outstanding servicing costs and enter into the appropriate agreements to lift the 0.3 m reserves on Chedmac Drive and Redfern Avenue. This requirement should be made a condition of Site Plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: April 18, 2000
ZAR-00-29
Ainslie Wood East Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a modification in zoning for lands located at 1033 Main Street West (PDC00164)

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-00-29, Columbia International College, owner**, for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for lands known as 1033 Main Street West as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "HH" (Urban Protected Residential, etc.) District regulations, contained in Section 14A. of Zoning By-law No. 6593, as amended by By-law Nos. 84-234, 88-44 and 89-220, applicable to the lands known as 1033 Main Street West, be further modified to include the following variances as special requirements as follows:
 - (i) That Subsection 1.(a)(i). of By-law No. 89-220 be deleted in its entirety and replaced with the following:
 - "1.(a)(i.) on Block 3, subject to subsection (d), a lodging house shall be permitted subject to the following:
 - 1. it is located within the building existing on the date of the passing of this by-law;
 - 2. contains a lodging house for the accommodation of not more than 200 persons; and
 - 3. is occupied only by residents who are students attending Columbia International College."
 - (ii) That Subsection 1.(a)(ii)2. of By-law No. 89-220 be amended by deleting

the phrase "9 multiple dwelling units for use by not more than 9 residents" and replaced with the phrase "9 multiple dwelling units for use by not more than 18 residents" such that Subsection 1.(a)(ii)2. of By-law No. 89-220 shall read as follows:

"1.(a)(ii).2. Contains not more than 9 multiple dwelling units for use by not more than 18 residents and 99 lodging homes for use by not more than 198 residents,"

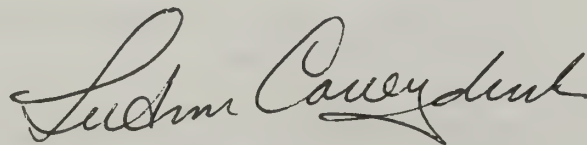
(iii) That Subsection 1.(a)(ii).3. of By-law No. 89-220 be deleted in its entirety and replaced with the following

"1.(a)(ii).3. is occupied only by residents who are students attending Columbia International College."

- (b) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Maps W-33 and W-34 for presentation to City Council; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-886c, and that the subject lands on Zoning District Maps W-33 and W-34 be notated as S-886c;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed modification to the established "HH" (Restricted Community Shopping and Commercial) District is to allow for double occupancy of the existing 9 multiple dwelling units and to permit the conversion of the existing school to accommodate a student residence for Columbia International College students for not more than 200 students within the existing building presently used for classrooms.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Zoning Application 88-65

In April, 1989, City Council approved Zoning Application 88-65 to permit the construction of a 5 storey student dormitory containing 99 lodging rooms (2 students per room) and 9 apartment units for supervisory staff (i.e. dons). Zoning By-law No. 89-220 was subsequently appealed due to parking concerns by an abutting property owner to the Ontario Municipal Board.

The appeal was dismissed by the OMB in 1990. The OMB was satisfied that due to the private nature of a boarding school, the operator of said school could prohibit its students from owning a car. As such, the OMB was satisfied that the provision of 57 parking spaces would be appropriate for the commercial school and associated student residence.

Zoning Application 00-06

City Council, at its meeting of May 9, 2000, approved Zoning Application 00-06 for the abutting lands. The application by Columbia College was for a modification in zoning to the established "C" District to permit the adaptive reuse of the former Ainslie Woods Vocational School at 1013 Main Street West for use as a private (i.e. commercial) school.

Zoning Application 00-17

An application for a change in zoning to permit the conversion of the former nurse's residence on the Chedoke Hospital lands for use as a student dormitory was made by Columbia College in May, 2000. Specifically, the applicant was proposing to convert the building into a 250 student residence. The existing building was to be maintained. City Council, denied the application and the application has subsequently been appealed to the Ontario Municipal Board. A hearing date has not been scheduled.

Proposal

The application is for a further modification in zoning to the established modification to the established "HH" (Restricted Community Shopping and Commercial) District to allow for an additional 209 students to be accommodated within the existing buildings. Specifically, the applicant has requested the following modifications to the existing site specific zoning:

- To permit double occupancy of the existing 9 multiple dwelling units such that a total of 18 students could be accommodated in the 9 existing multiple dwelling units; and,

- To permit the conversion of the existing school to accommodate a student residence for Columbia International College students for not more than 200 students within the existing building presently used for classrooms.

APPLICANT:

Columbia International College, owner.

AGENT:

Planning and Engineering Initiatives Ltd.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- approximately 80 m of lot frontage along Main Street West;
- a depth of 93.6 m; and
- a lot area of 1,595 m².

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Commercial School (Columbia College)	"HH" (Urban Protected Residential, etc) District, modified
<u>Surrounding Land Use</u>		
To the north	Single Detached Dwellings	"HH" (Restricted Community Shopping and Commercial) District
To the south	Hwy. 403 Corridor	"C" (Urban Protected Residential, etc.) District
To the west	Private school	HH (Restricted Community Shopping and Commercial) District, modified
To the east	Commercial	"G" (Neighbourhood Shopping Centre, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved neighbourhood plan for the Ainslie Wood East neighbourhood.

COMMENTS RECEIVED:

- The Traffic Division have advised of the following:

"We have no objection to the proposed zoning change to allow for the use of a combined lodging house and multiple dwelling, for a total of 398 permitted residents, subject to the zoning being site specific for Columbia International College. The application requires a variance for a reduction in the number of parking spaces required (for a lodging house/student residence). This school caters almost entirely to international students and the vast majority thereof do not own a motor vehicle. Therefore, we can support a variance for a reduction on parking, site specific for Columbia International College only."

- The Development Engineering Section, Land Development Department have advised of the following:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

Any works within the Main Street West road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Building Department have advised of the following:

1. By-law No. 89-220, Section .9a)(i) refers to a commercial school rather than the proposed lodging house for 200 residents.
2. The applicant advises that the 9 dwelling units in the lodging-multiple dwelling building may be converted to double occupancy, i.e. lodging rooms.
3. Parking requirements for any proposed changes area addressed by the current wording of By-law 89-220, Section 1.(d). For your information, parking required for the existing 18 room commercial school is 3 parking

spaces, for the 200 proposed lodgers is 100 spaces. Required for the 9 dwelling units is 12 spaces, for the 18 potential lodgers is also 9 spaces. Total parking requirements for the 198 existing lodgers, and 18 and 200 proposed totals 208 parking spaces. No loading spaces area required."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan in that it would provide for the conversion of the existing classroom space to a private student residence and would be compatible with the abutting commercial and high-density residential uses.
2. The applicant is proposing to convert the existing building from a private school to a lodging house for Columbia College students. The Traffic Division has advised that they have no objection to the proposed zoning change to allow for the use of a combined lodging house and multiple dwelling, for a total of 398 permitted residents, subject to the zoning being site specific for Columbia International College. The Building Department has advised that a total of 208 parking spaces are required whereas there are currently 57 spaces on site. As noted in the 1990 OMB decision, Columbia College, as a private school, can prohibit its students from owning a car. As such, the Traffic Division has advised that they have no objection to a reduction in parking provided that the proposed lodging house is restricted to students attending Columbia International College.

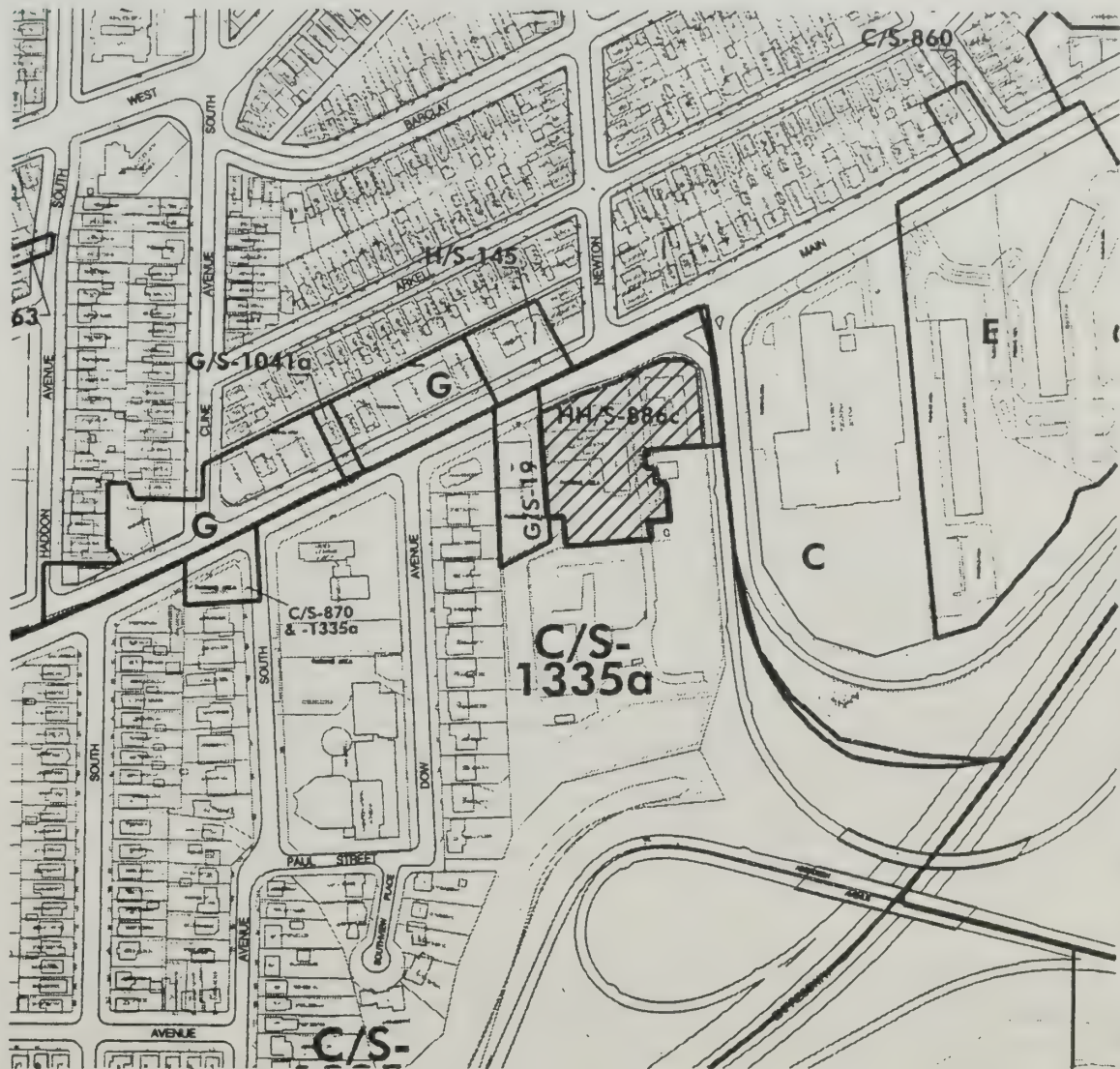
It is noted that under the provisions of By-law No. 89-220, 57 parking spaces are required for the uses specified in Section 1.(a.) of the by-law (see APPENDIX "B").

The proposed amendments to By-law No. 89-220 relate to changing the range of permitted uses. Therefore, a further revision to By-law No. 89-220 with respect to parking is not required.

3. The "HH" (Urban Protected Residential, etc.) District are subject to Site Plan Control. Although the applicant is not proposing any external modifications to the existing buildings, it is noted that should exterior changes be proposed then matters such as grading, fencing and landscaping will be reviewed at the site plan review stage.

CONCLUSION:

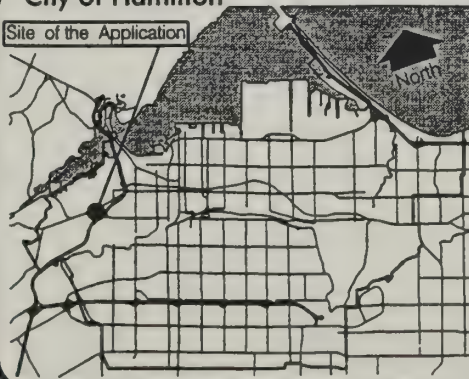
Based on the foregoing, the application can be supported.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



Community Planning and Development Division

Location Map

Legend



Request for a further modification to the "HH" (Restricted Community Shopping and Commercial) District.

Reference File No.

ZAR-00-29

Scale

NOT TO SCALE

Date

August 2000

Drawn By

PB

APPENDIX "A"

Bill No. D-93

The Corporation of the City of Hamilton

* BY-LAW NO. 89- 220

To Amend:

Zoning By-law No. 6593

As Amended by By-law No. 84-234 and By-law No. 88-44

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1033 MAIN STREET WEST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 84-234 on the 30th day of October 1984 to change the zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, and to establish special requirements under Section 19B of Zoning by-law No. 6593, in respect of the lands located at Municipal No. 1053 Main Street West, (now 1033 Main Street West), the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was subsequently amended by Order of the Ontario Municipal Board, dated the 5th day of July 1985 (Files No. R 840665 and O 850028), as amended, and further amended by By-law No. 88-44, passed on the 9th day of February 1988. By-law No. 88-44 came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 16 of the 11th Report of the Planning and Development Committee at its meeting held on the 25th day of April 1989, directed that Zoning By-law No. 6593 as amended by By-laws No. 84-234 and 88-44, be further amended to establish additional requirements under Section 19B of Zoning By-law No. 6593 in respect of lands located at Municipal No. 1033 Main Street West, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS this by-law does not conflict with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "HH" (Restricted Community Shopping and Commercial) District provisions as contained in Section 14A of Zoning By-law No. 6593, as amended by By-laws No. 84-234 and 88-44, applicable to the lands comprised in Blocks 1, 2 and 3, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that:

APPENDIX "B"

* Bill D-93 amended on second reading, see page 1058 in preamble

- (a) notwithstanding Section 14A(1) of By-law No. 6593, as amended by By-laws No. 84-234 and 88-44, the following additional uses shall be permitted:
- (i) on Block 3, subject to subsection (d), a commercial school for secondary school level education, provided that the said school,
 - 1. is located within the building existing on the date of the passing of this by-law, and
 - 2. contains not more than eighteen (18) classrooms;
 - (ii) on Block 1, subject to subsections (b), (c) and (d), a combined lodging house and multiple dwelling, provided that the said dwelling,
 - 1. occupies a gross floor area ratio of not more than 1.99,
 - 2. contains not more than 9 multiple dwelling units for use by not more than 9 residents and 99 lodging rooms for use by not more than 198 residents,
 - 3. is occupied only by residents who are students of the commercial school referred to in subsection (i);
- (b) notwithstanding Section 14A(2) of By-law No. 6593, the building used for a combined lodging house/multiple dwelling on Block 1 shall not exceed five storeys in height;
- (c) notwithstanding Section 14A(3)(a) and (c) of By-law No. 6593, there shall be provided and maintained on Block 1, in conjunction with the combined lodging house/multiple dwelling use,
- (i) a front yard not less than 4.55 m in depth,
 - (ii) a rear yard not less than 1.0 m in depth;
- (d) notwithstanding paragraphs 1(g), 1(j) and 3(b)(iv) of Table 1, referred to in Section 18A(1) of By-law No. 6593, not less than 57 parking spaces shall be provided and maintained in conjunction with the uses referred to in subsection (a);
- (e) subject to subsection (f), notwithstanding Section 18A(9) of By-law No. 6593, not more than 7 of the parking spaces required by subsection (d) may be provided on Block 2;
- (f) where parking spaces are provided as in subsection (a), notwithstanding Section 18A(1)(f) of By-law No. 6593, there shall be provided and maintained manoeuvring space abutting upon and accessory to each required parking space, having an aisle width of not less than 4.52 m;
- (g) a landscaped area not less than 1.0 m in width shall be provided and maintained along the southerly lot line of Block 1;

- (h) the landscaped areas located within the front yard and easterly side yard of Block 3 as existing on the date of the passing of this by-law shall be retained and maintained except for required driveways;

2. Section 2(b) of By-law No. 84-234 is hereby revoked.

3. In all other respects, the provisions of By-law No. 84-234, as amended by Order of the Ontario Municipal Board, dated the 5th day of July 1985 (Files No. R 840665 and O 850028), as amended, and further amended by By-law No. 88-44 are hereby confirmed, unchanged.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 1 of this by-law and section 2 of By-law No. 84-234, as amended by Section 1 of By-law No. 88-44.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-886b.

6. Sheets No. W-33 and W-34 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-886b.

7. Schedule "A" hereto annexed is included in and forms part of this by-law.


8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

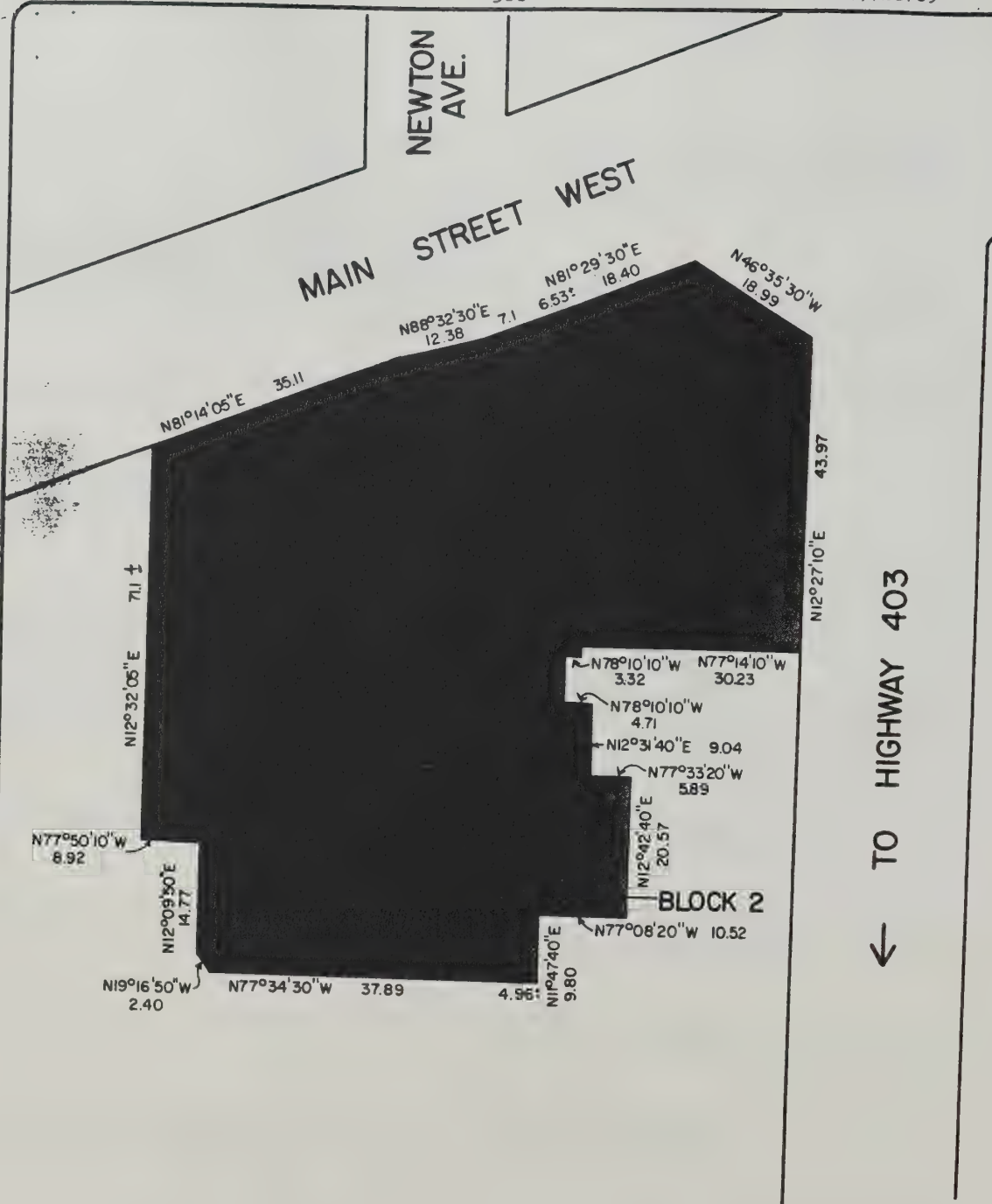
PASSED this 26th day of July A.D. 1989.


Deputy City Clerk


Mayor

(1989) 11 R.P.D.C. 16, April 25
Clement Chan, John Chan, and Pauline Kan, Owners
Amended ZA-88-65





NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 89-220
 Passed the 26th day of July, 1989.

[Signature]
 Deputy Clerk

[Signature]
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 89-220

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Lands to be regulated by
 By-Law No. 89-220

<p>North</p>	<p>Scale NOT TO SCALE</p> <p>Date May 4, 1989</p>	<p>Reference File No. ZA-88-65</p> <p>Drawn By A.P.</p>
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MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday September 20, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton



Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Aldermen Kiss, Alderman Horwath, Alderman Wilson, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, C. Floroff, N. Smith, E. Switinky, M. Mascarenhas, P. Lampman, P. Vanderbark, D. Hall, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

1. ZAR-00-23 – Rear of 148 Rymal Rd. East (PDC00148)

That approval be given to Zoning Application ZAR-00-23, 200 Rymal Road Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for property located at the rear of No. 148 Rymal Road East, to create two single-family dwelling lots fronting onto Jacqueline Boulevard, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. ZAR-00-24 – 158-166 Stone Church Rd. West (PDC00149)

That approval be given to Zoning Application ZAR-00-24 – 158 and 166 Stone Church West, James Zaborsky and Bestco Construction Corporation, prospective owners, requesting a change in zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, for property located at 158 and 166 Stone Church Road West, as shown on the attached map marked as Appendix “B”, on the following basis:

- (b) That the subject lands be rezoned from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. Official Plan Amendment and ZA-00-25 - Lands Located East of Lake Avenue North and South of Strawberry Drive (PDC00153)

- A. That approval be given to Official Plan Amendment No. 168, for lands located east of Lake Avenue North and south of Strawberry Drive to redesignate the subject lands from “Residential” to “Commercial” to permit the use of the subject lands for commercial development.

- B. That the following new policy be added to Subsection A.2.9.3 – Other Special Policy Areas as Policy A.2.9.3.80:

“Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands shown on Schedule “B-1” as SPECIAL POLICY AREA 85, and located east of Lake Avenue North and south of Strawberry Drive, only parking uses in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted.”

- C. That approval be given to Amended Zoning Application ZAC-00-25, by Hi-Tech Banking Facilities Incorporated, owner, for changes in zoning from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "1"); from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "2"); and, from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "3"), for lands located east of Lake Avenue North and south of Strawberry Drive, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District;
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District; and,
 - (c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District;
 - (d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13C(1), only a parking area in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted;
 - (ii) That no vehicular access to or egress from Lake Avenue North and Strawberry Drive shall be permitted;
 - (iii) That in addition to the requirements of Section 13C(4), a landscaped planting area having a total area of not less than 40% of the total lot area shall be provided and maintained; and,
 - (iv) That in addition to the requirements of Section 13C(4)(iii) of By-law No. 6593, a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained within the required planting strip adjacent to the

northerly and westerly lot lines.

- (v) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - 1. That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines.
- (vi) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - 1. That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 6.0 m in width shall be provided and maintained along the northerly lot line;
 - 2. That notwithstanding Section 13C(4)(ii) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the easterly lot line.
- (vii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
 - 1. the owner has applied for and received final approval for a site plan control application for the use of the subject lands as a public parking lot.

City Council may remove the 'H' symbol, and thereby give effect to the "G-3" (Public Parking Lots) District, as amended by the special requirements of Section C(iv), C(v) and C(vi), as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;

- (viii) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council;
- (ix) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1451, and that the subject lands on Zoning District Map E-125 be notated as S-1451; and,
- (x) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No.168 by the Region of Hamilton-Wentworth.

4. Official Plan Amendment and City Initiative 98-C, for Windermere Basin (PDC00147)

- A. (a) That approval be given to Official Plan Amendment No. 167 to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, and delete Policy A.2.9.3.2 and replace it with a new policy. The General Manager, Community Planning and Development Division be authorized and directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth;
- (b) That By-laws No. 98-313 and 99-268 applicable to the subject lands be repealed in their entirety; and,
- B. That approval be given to City Initiative CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to: "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District, modified (Blocks "1", "2", "3" and "8") to permit development for open space and recreational uses; "F-4" - 'H' (Special Waterfront Services - Holding) District, modified (Block "4") to permit expansion of existing industrial uses to the west; "F-2" (Open Water) District (Block "5") to recognize the existing open water area, and "K" - 'H' (Heavy Industry, etc. - Holding) District, modified (Block "6" and "9") to permit expansion of existing heavy industry; and a further modification to the "F-4" (Special Waterfront Services) District regulations (Block "7"), all for the lands and water area located west of Eastport Drive, south of Pier 25, known as Windermere Basin, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2", "3", "4", "6", "8" and "9", by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:
 - (i) the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;
 - (ii) the owner submits an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,
 - (iii) the owner prepares and submits a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled;

- (b) That Blocks "1", "2", "3" and "8" be rezoned from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District;
- (c) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3" be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 7(1), the following uses shall also be permitted: visitor centre, museum, trail centre, and information centre.
- (d) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No.

6593, applicable to Block "8", be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 7(1), the following use shall also be permitted: an access road.
- (e) That Block "4" be rezoned from "L-s" (Planned Development - Special Study) District to "F-4" – 'H' (Special Waterfront Services - Holding) District;
- (f) That the "F-4" (Special Waterfront Services) District regulations as contained in Section 12D of Zoning By-law No. 6593, applicable to the lands comprised of Block "4", and as modified by Ontario Municipal Board Order dated February 20, 1998, applicable to Block "7", are amended to the extent only of the following requirements:
 - (i) That notwithstanding Section 12D(1), only the following uses shall be permitted:

<u>Identification Number</u>	<u>Permitted Use</u>
1. 4542	Ferry Industry
2. 4543	Marine Towing Industry;
3. 4544	Ship Chartering Industry;
4. 4549	Other Water Transport Industries;
5. 4551	Marine Cargo Handling Industries;
6. 4552	Harbour and Port Operation Industry;
7. 4553	Marine Salvage Industry;
8. 4554	Piloting Service, Water Transport Industry;
9. 4555	Marine Shipping Agencies Industry;
10. 4552	Other Service Industries Incidental to Water Transport;
11. 3271	Shipbuilding and Repair Industry;
12. 3281	Boatbuilding and Repair Industry;
13. 9841	Labour Organizations;
14. 4561	General Freight Trucking Industry;
15. 4565	Forest Products Trucking Industry;
16. 4569	Other Truck Transport Industry;
17. 4562	Used Goods Moving and Storage Industry;
18. 4592	Freight Forwarding Industry;
19. 459	Other Service Industries Incidental to Transportation, n.e.c.;

20.	4791	Refrigerated Warehousing Industry;
21.	4799	Other Storage and Warehousing Industries, nec;
22.	5999	Other Products n.e.c., Wholesale limited to Chandlers;
23.	7794	Customs Broker;
24.	9211, 9212	Restaurants (licensed and unlicensed);
25.	9213	Take-out Food Services;
26.	9214	Caterers;
27.	9221	Taverns, Bars and Night Clubs;
28.	3521	Hydraulic Cement Industry;
29.	3551	Redi-Mix Concrete Industry;
30.	5999	Chandler engaged in supply or outfitting of boats;
31.	7021,7031,705	Bank, trust company or credit union;
32.	8521	Marine related commercial school;
33.	9919, 654	Sale and rental of recreational equipment including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles;
34.	Not Classified	Accessory business office;
35.	868	Laboratory;
36.	9654	Boat Rental and Marina;
37.	9961	Ticket and Travel Agencies;
38.	9962	Tour Wholesaler and Operators;
39.	Not Classified	Shipping, Transshipping and Distribution Depot;
40.	635	Motor Vehicle and Equipment Repair Shop except paint and autobody repair;
41.	8641	Day Nursery;
42.	868	Research Establishment/Laboratory;
43.	481	Telecommunications Broadcasting Industry;
44.	Not classified	Heliports and Seaplane Operations;
45.	484	Postal and Courier Service Industry;
46.	171	Leather and allied products industries, except leather tanneries;
47.	24	Clothing Industry;
48.	279	Paper Box, Bag and other converted paper products industry;
49.	28	Printing, publishing and allied industry;
50.	3029	Fabricated metal products industry;
51.	339	Electrical products industry;

- | | | |
|-----|--|---|
| 52. | 391 | Scientific and professional equipment industry; |
| 53. | 392 | Jewellery and precious metal industry; |
| 54. | 393 | Sporting goods and toy industry; |
| 55. | 397 | Sign and Display Industry; |
| 56. | Not classified | Light manufacturing assembly industry; |
| 57. | 42 | Trade contracting industry; |
| 58. | Not classified | Truck, machinery and equipment sales, rental and repair; |
| 59. | 199 | Textiles and textiles products industries; |
| 60. | 103 | Fruit and vegetable industry other than processing; |
| 61. | 104 | Dairy products industry other than processing; |
| 62. | 107 | Bakery products industry; |
| 63. | 2549 | Millwork industry; |
| 64. | 2541 | Wooden buildings industry; |
| 65. | 25 | Wood products factory; |
| 66. | 26 | Furniture industry; |
| 67. | 31 | Machinery industry; |
| 68. | 32 | Transportation equipment industry; |
| 69. | 33 | Electronic products industry; |
| 70. | 351 | Clay products industry; |
| 71. | 354 | Concrete products industry; |
| 72. | 3562 | Glass products industry; |
| 73. | Not Classified | Small metal wares factory; |
| 74. | 60,51,77 | Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques; |
| 75. | 9692 | Amusement parks; |
| 76. | 654 | Establishments for the sale of bait; |
| 77. | 77,81,82,83,84,86,85,91,92,96,97,98,99 | Service industries; |
| 78. | | Accessory Uses:
(a) Accessory buildings, structures or uses;
(b) Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate. |

- (ii) That Section 12D(2) be amended to delete the words "Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE", and replace with "All the foregoing uses", so the entire introduction reads as follows:

"All the foregoing uses that are not for the bona fide purposes of shipping and navigation, shall comply with the following:"

- (g) That Block "5" be rezoned from "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District;
 - (h) That Blocks "6" and "9" be rezoned from L-s" (Planned Development - Special Study) District to "K" - 'H' (Heavy Industry, etc - Holding) District;
 - (i) That the "K" (Heavy Industry, etc.) District regulations, as contained in Section 17 of Zoning By-law No. 6593, applicable to Blocks "6" and "9", be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 17(1), a tallow rendering plant will not be permitted.
 - (j) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1450, and that the subject lands on Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c be notated S-1450;
 - (k) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c for presentation to City Council; and,
- C. That the proposed changes and modification in zoning will be in conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 167 by the Regional Municipality of Hamilton-Wentworth.

5. ZAC-00-01 and ZAR-98-33 – 330 and 342 Dundurn St. South (PDC00154)

That approval be given to Zoning Application 00-01, 1242324 Ontario Inc. Dominic Occhionorelli, owner, for a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a Seniors Residential Care Facility to accommodate ninety (90) senior citizens within the existing building, for the property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, as amended by By-law 98-280, be modified as follows:

(i) That Section 1.(a) of Zoning By-law 98-280 be repealed in its entirety and replaced with the following:

"1.(a) notwithstanding Section 14. (1)(iiib) of Zoning By-law No. 6593, the following use shall be permitted:

(i) a senior citizens "Residential Care Facility" for the accommodation of a maximum of ninety (90) persons within three floors of the building;

(ii) for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board, or treatment and rehabilitation from drug and alcohol abuse, and;

(iii) that Section 14. (7) of zoning By-law No. 6593, shall not apply to the subject lands;"

(b) That Section 2.(a) of Zoning By-law 98-280 be amended by deleting the words "lodging house" and replacing it with "Senior Citizens Residential Care Facility";

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415a, and that the subject lands on Zoning District Map W-24 be notated S-1415a.

(d) That Corporate Council be authorized and directed to prepare a By-law to

amend Zoning By-law No. 6593, as amended by By-law 98-280, and Zoning District Map W-24, for presentation to City Council.

- (e) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the subject lands be redesignated on the approved Kirkendall North Neighbourhood Plan from "Medium Density Apartments" to "Civic and Institutional" upon finalization of the implementing By-law.

6. Downtown Hamilton Community Improvement Plan/Expanded Area of Downtown Community Improvement Plan area (PD00138A)

- (a) That the expanded area for the Downtown Hamilton Community Improvement Project Area be designated as attached hereto and marked as Appendix "F";
- (b) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (a) above;
- (c) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area, as attached hereto and marked as Appendix "G", be adopted in order to implement various incentive/loan programs to property owners;
- (d) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for approval; and,
- (e) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (c) above.

7. Cash-in-Lieu of Parking Application- CPL-00-02, 151 Emerson (PDC00150)

That the amended application by Theresia Lulgjuraj for the building at 151 Emerson Avenue, as shown on the attached map marked as Appendix "H", for the payment of Cash-in-lieu for six (6) parking spaces be denied for the following reasons:

- (a) The Parking Services Section of the Public Works & Traffic Department has no plans to establish municipal parking in the immediate vicinity of the proposal.
- (b) The demand for commercial parking will result in spill-over parking into the adjacent residential area.
- (c) Planning and traffic objectives are not satisfied.

8. ZA-00-11, Request for the Removal of the Holding Zone for Lands Located at 1088-1188 Upper Paradise Road- (PDC00155)

- (a) That approval be given to Zoning Application ZAR-00-11, Visplar Holdings Ltd., owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for 7 lots for single detached dwellings for lands located south of Richview Drive and west of Upper Paradise Road and known municipally as 1088 – 1188 Upper Paradise Road, as shown on the attached map marked as Appendix "I"; and,
- (b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-210, and Zoning District Map W-3 for presentation to City Council.

9. Application for Demolition- 28-32 James Street South

That the Acting Building Commissioner be requested not to issue a demolition permit for 28-32 James Street South for a two week period in order that the Planning and Development Committee investigate alternative options to demolition.

10. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-061 A By-law to Amend Zoning By-law No. 6593 as Amended By Zoning By-law No. 98-210 respecting lands located at Municipal Nos. 1088-1188 Upper Paradise Road.

- (b) C-062 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 1472 Upper Gage Avenue.
- (c) C-063 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 148 Rymal Road East.
- (d) C-064 A By-law to Adopt Official Plan Amendment No. 167 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).
- (e) C-065 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.
- (f) C-066 A By-law to Extend By-law No. 99-160 Respecting Land Within the "Wellington Estates, Phase 1" Subdivision, Plan 62M-885 and "Allison Estates, Phase 4" Subdivision, Plan 62M-823 from Part Lot Control.
- (g) C-067 A By-law to Extend By-law No. 98-226, as amended by By-law No. 99-130 Respecting Land Within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836 from Part Lot Control.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – August 9, 2000 (Item 3.1)**

The Minutes of the meeting held August 9, 2000 were adopted.

- (c) **ZAR-00-23 – Rear of 148 Rymal Rd. East (PDC00148) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Angelo Cameracci was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 83 notices circulated, 4 replied in favour and 0 opposed.

(d) **ZAR-00-24 – 158-166 Stone Church Rd. West (PDC00149) (item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Al Fletcher of A.J. Clarke and Associates was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 69 notices circulated, 4 replied in favour and 1 opposed.

(e) **Official Plan Amendment and ZA-00-25 - Lands Located East of Lake Avenue North and South of Strawberry Drive (PDC00153) (Item 2.3)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Al Fletcher of A.J. Clarke and Associates was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 62 notices circulated, 3 replied in favour and 1 opposed.

(f) **Official Plan Amendment and City Initiative 98-C, for Windermere Basin (PDC00147) (Item 2.4)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Caroline Floroff gave a brief overview of the staff recommendation citing that there requires further clarification on Block "9" to ensure that it meets the appropriate intent of the agreement between the City of Hamilton and the Hamilton Harbour Commissioners and to ensure that the boundaries

are correct. The public meeting was advertised in the Spectator and one response was received from the Hamilton Harbour Commissioners regarding clarification of location and use of Blocks 8 and 9.

Alderman Charters felt that the recommendation be forwarded as is, and that the by-law be redrafted accordingly when the new information is received.

In response to a question from Alderman Copps, Caroline Floroff noted the City is waiting for a decision from the Ontario Municipal Board decision to determine if the City's draft By-law regarding rendering plants in the "K" and "KK" districts will be approved.

An amendment was placed on the floor and carried as follows:

"That reference to rendering plans in the "K" zones as it applies to Blocks "6" and "9" of the draft by-law for Windermere Basin be deleted".

The Main motion was subsequently carried as amended.

Subsequently the Committee directed as follows:

- "(a) That staff be directed to follow-up on the original terms of the agreement between the City of Hamilton and the Hamilton Harbour Commissioners regarding deleting animal rendering plants as a permitted use on all lands owned by the Hamilton Harbour Commissioners zoned "K" and "KK"; and,
 - (b) That staff review the ownership of the entire lands including Block "9". "
- (g) **ZAC-00-01 and ZAR-98-33 – 330 and 342 Dundurn St. South (PDC00154) (Item 2.5)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Joe Merca of 13 Russet Court, Stoney Creek and Dominic Occhionorelli of 336 Shaver Road, Ancaster, proponents were present in support of the recommendation.

Paul Mallard gave a brief overview of the staff report. Of 92 notices circulated, 3 replied in favour and 0 opposed.

In response to a question from Alderman Copps, Paul Mallard advised that parking provided will exceed the requirements.

In response to a question from Alderman Kiss, P. Lampman explained that an application to the Building Code Commission was made in order to permit the building for use as a residential care facility, even though the building is made of combustible materials whereas not combustible is required. The applicants have since withdrawn their request since they have reduced the level of care at the facility.

* Alderman Copps was opposed to the main motion.

(h) **Downtown Hamilton Community Improvement Plan/Expanded Area of Downtown Community Improvement Plan area (PD00138A) (Item 2.6)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Bill Janssen gave a brief overview of the staff report. He explained that approval will be subject to the Province.

Mary Pocius of the International Villages was present in support of the expansion especially as it relates to linkages with the waterfront.

S. Manchia of Planning and Engineering Initiatives was present to request that buildings outside the boundaries be considered on a site-specific basis.

Alderman Corsini declared an interest by virtue of his ownership of property within the area.

Alderman Eisenberger requested and the Committee concurred that staff investigate further expanding the area from the escarpment to the waterfront.

In response to a question Lee Ann Coveyduck advised that they are anticipating more applications within this area in the near future.

Alderman Caplan suggested that the area be further expanded for a one-year period.

Alderman Charters suggested that it would not be appropriate to further expand beyond the boundaries as set before them.

- (i) **Request for a Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156) (recircularized for October 4 meeting) (Item 2.7)**

As a result of an error in the circularization, the Committee tabled this matter to come before it again at its meeting of October 4, 2000.

- (j) **Cash-in-Lieu of Parking Application- CPL-00-02, 151 Emerson (PDC00150) (Item 4.1)**

The Committee resolved that the request of the proponents to speak before the matter be approved.

A submission was received from Jean Harmes of 171 Emerson Street.

Mr. Pinelli, Solicitor, and Mike Lulgjuraj, owner were present to speak on the matter.

Mr. Pinelli advised that the establishment is a neighbourhood restaurant of which 95% of the clientele are McMaster students who walk to the establishment. They have requested 24 additional seats and require 6 additional parking spaces as a result. Mr. Pinelli suggested that Committee review the Committee of Adjustment decision of 1993 and also stated that precedents have been set regarding cash in lieu for the Second cup and the West Town Bar and Grill.

Barb Bloemhof of 119 Emerson Street was present in support of the staff recommendation to deny based on noise parking, traffic and disruptions caused by the establishment. She stated that the Ontario Municipal Board has made a sound decision regarding this establishment and that further seating should not be permitted.

Phyllis Tresidder of 114 Arnold Street and Chairperson of the Ainsliewood residents association was present in support of the denial. She stated that a multiple Neighbourhood plan review is being conducted in the West End which will be proactive as opposed to reactive. She felt that the indulgence of a business should not be placed before the neighbourhood.

Alderman Caplan stated that Emerson Street is a residential enclave and is not similar to other businesses which have been granted cash-in-lieu of parking.

(k) **Information Item (Item 4.3)**

That the following Information Item as previously distributed to Members of the Planning and Development Committee be received:

- (i) Corporate Counsel re: Wesley Centre- 195 Ferguson Avenue North (PD99088G) dated September 14, 2000.

(l) **Waiving of Fees for derelict Buildings (referral from Council)(Item 5.1)**

Lee Ann Coveyduck advised that this issue will be incorporated in the neighbourhood plans.

Alderman Haining was concerned that we are lacking initiatives regarding this issue.

A discussion ensued regarding Brownfield development and Alderman Charters and Alderman Horwath advised that progress is being made and there will soon be initiatives.

Lee Ann Coveyduck added that Hamilton has requested to be a pilot project for any initiatives the province or federal government brings forward.

The Committee received the report.

(m) **Application for Demolition, 28-32 James Street South (Information Report) (PDC00159) (Item 5.2)**

A discussion ensued regarding whether or not the City is obligated to issue a demolition permit.

Alderman Horwath suggested that the property be considered as part of the transportation master plan to be used as a bus terminus. She added that it will also be a good pedestrian link and it may also be a location where bathrooms can be provided.

Alderman Corsini, Alderman Copps and the Mayor were adamantly opposed to the demolition of the building.

Don Hall of the HSR explained that this may be a viable site for the expansion of the MacNab Street Bus Terminus. He added that there have been examples whereby transportation has revitalized downtown cores.

The Committee adjourned into closed session to receive legal advice and reconvened immediately thereafter with no report.

After discussion the Committee resolved as follows:

- “(a) That the matter be tabled in order that all efforts be made to find an alternative solution to the problem (to come back to the Planning and Development Committee in two weeks); and,
- (b) That in the interim, the Acting Building Commissioner be requested not to issue a demolition permit for 28-32 James Street South.”

(n) **Application for Demolition, 723 Rymal Road West (PDC00161) (information Report) (Item 5.3)**

Paul Mallard gave the background to this report stating that the position was that an official plan amendment and amendment to the site plan were needed.

Sergio Manchia attended with Joe Kutlesa and stated for the record that the Gage in Gage House is not the same Gage as the Gage Park people - simply a farmer named Gage who owned the house. Mr. Manchia explained that the original proposal for the house had proved to not be financially feasible and incompatible with the neighbours. They had tried in good faith to explore all avenues. He was asking for an amendment to OPA 158 to allow for the clause referred to in the report to be removed.

Mr. Manchia stated that he had been approached by a cardiology company to occupy the site but was concerned that there may not be

adequate parking. Therefore, in order to accommodate them he was asking that Council consider the demolition as this would allow specialized use.

The Chairman stated that because of the medical circumstances and the need for such a facility, he felt the public should be asked for opinions. Response to be received in 21 days and have a special meeting prior to Council. He said he would abide by what the community says. He believed it was a site worthy of keeping as it is part of the heritage of the mountain and would like a delay to receive resident's comments. The Mayor concurred.

Lee Ann Coveyduck stated that a demolition permit cannot be issued until an Official Plan Amendment is granted.

(o) OTHER BUSINESS

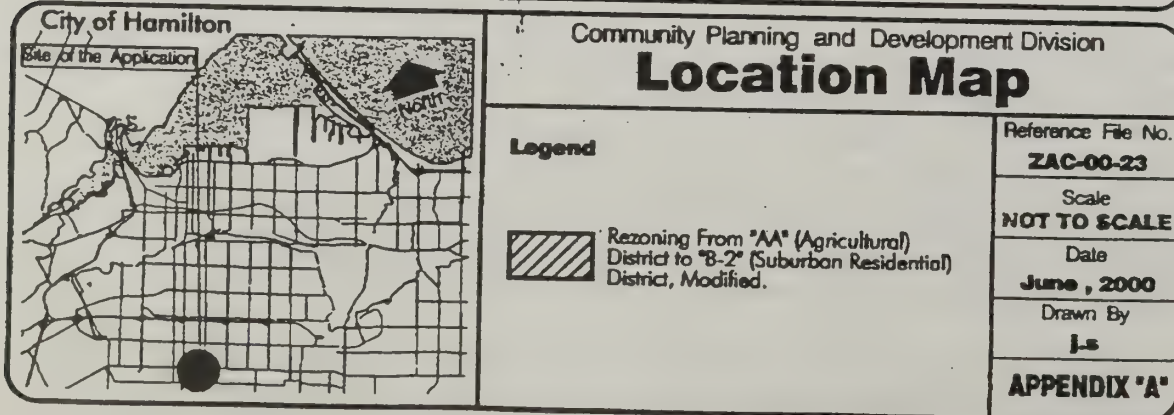
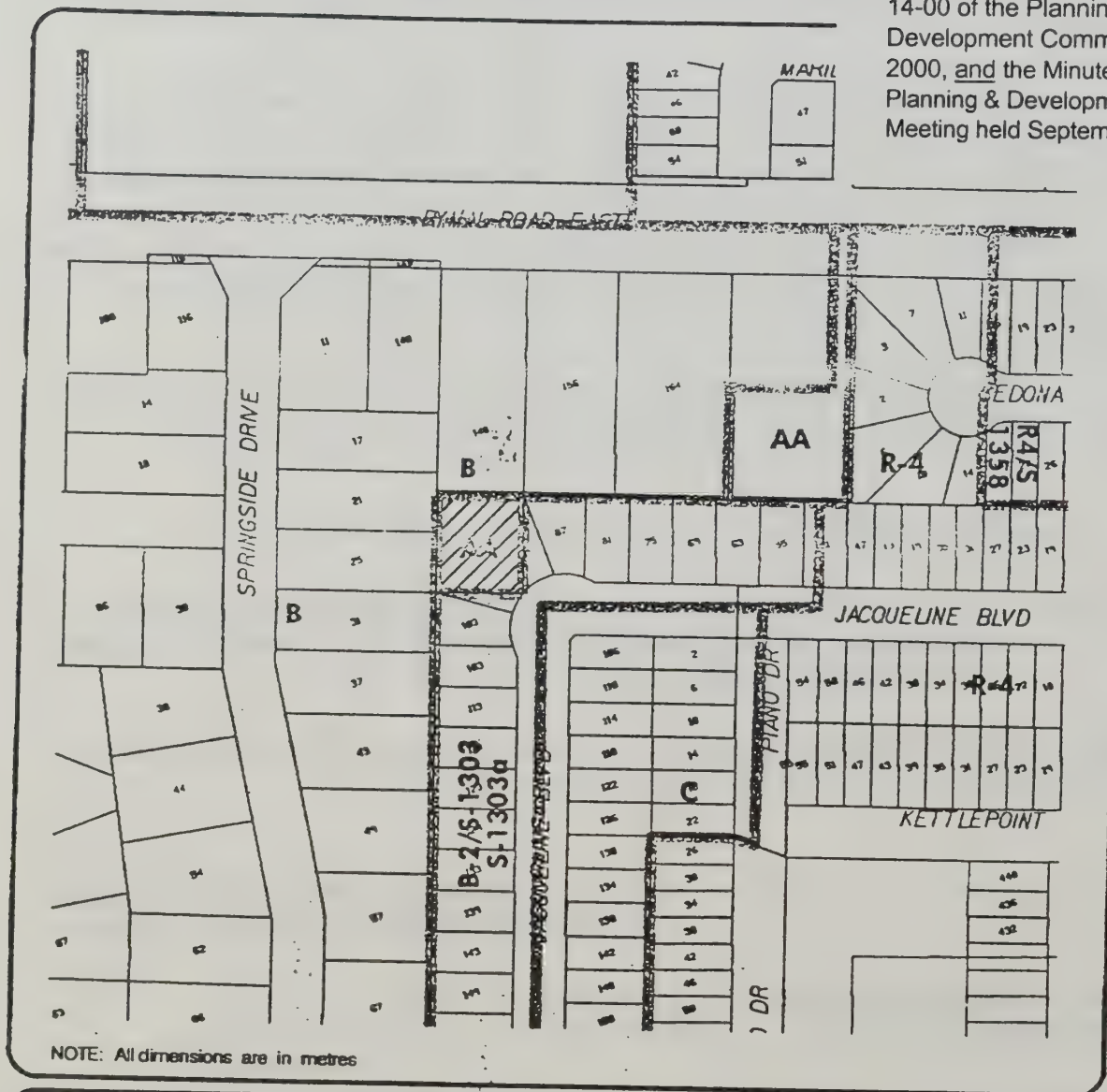
- (i)** The Committee adjourned into closed session to receive an information report regarding litigation and reconvened immediately thereafter with no report.

Note: The meeting of the Planning and Development Committee adjourned at 12:15 p.m.

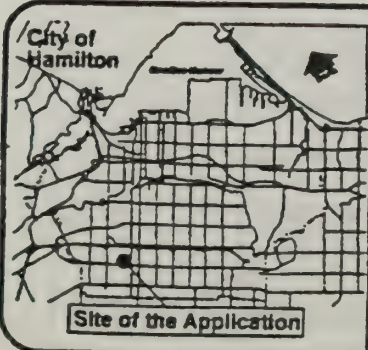
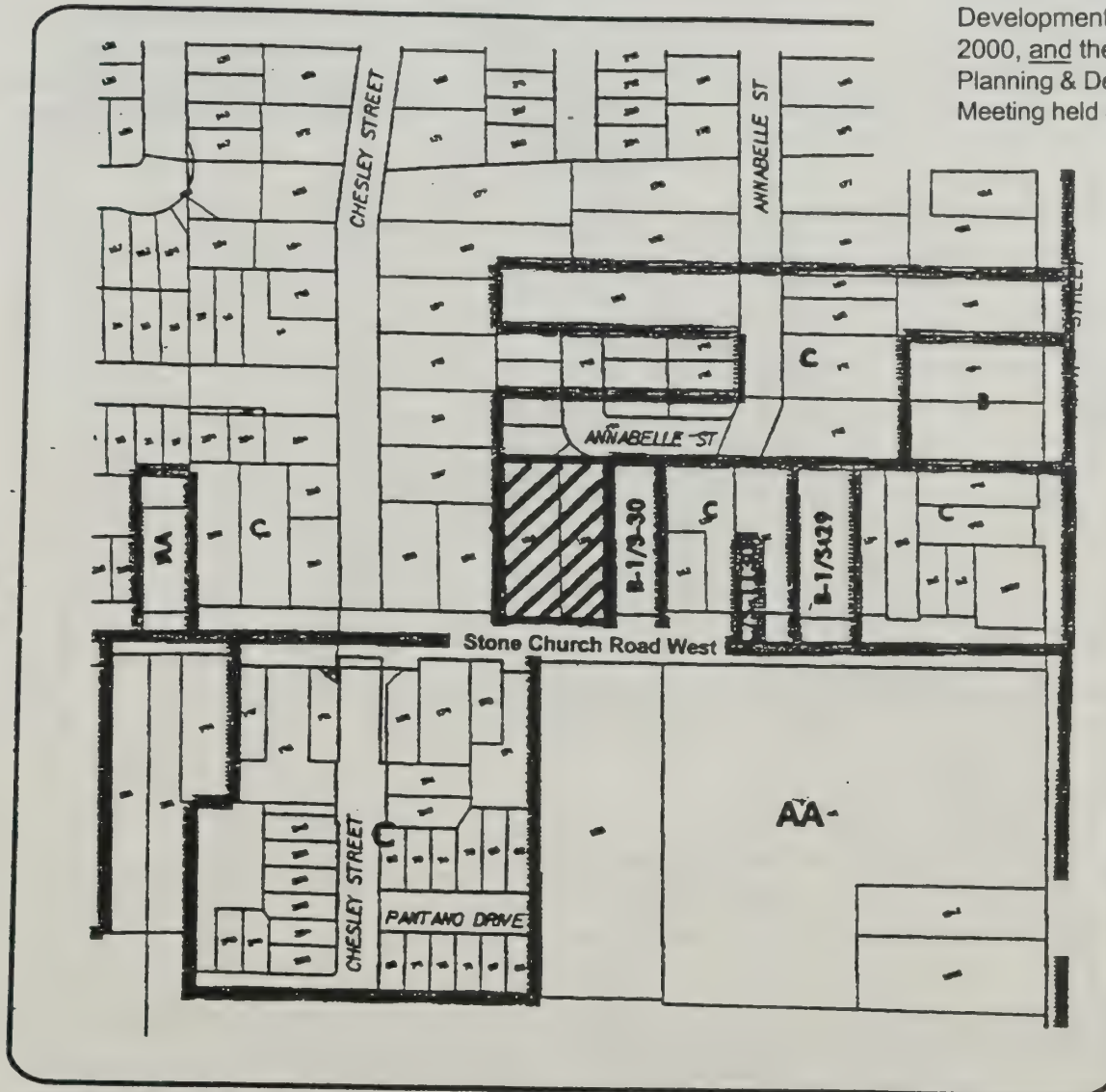
**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
September 20, 2000**

Appendix "A" referred to
in Section 1 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



Appendix "B" referred to
in Section 2 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend

Change in zoning:



from "AA" (Agricultural) District to "C"
(Urban Protected Residential, etc.) District

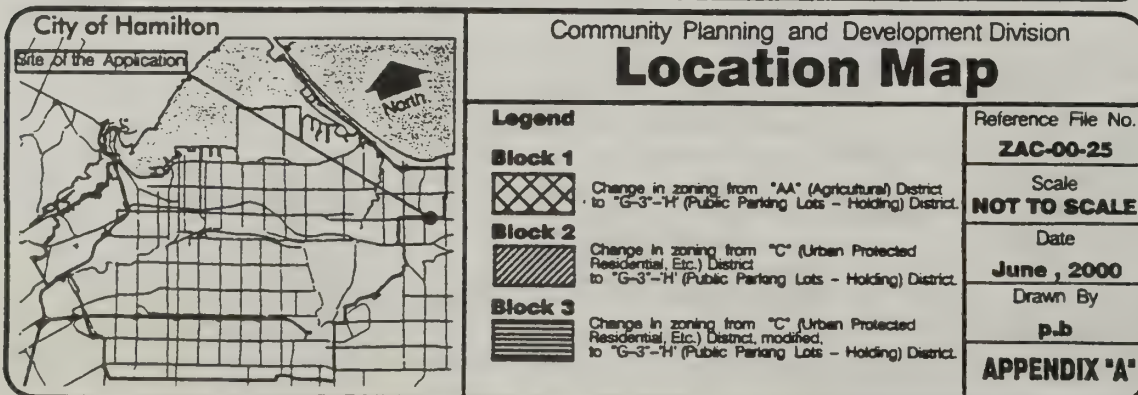
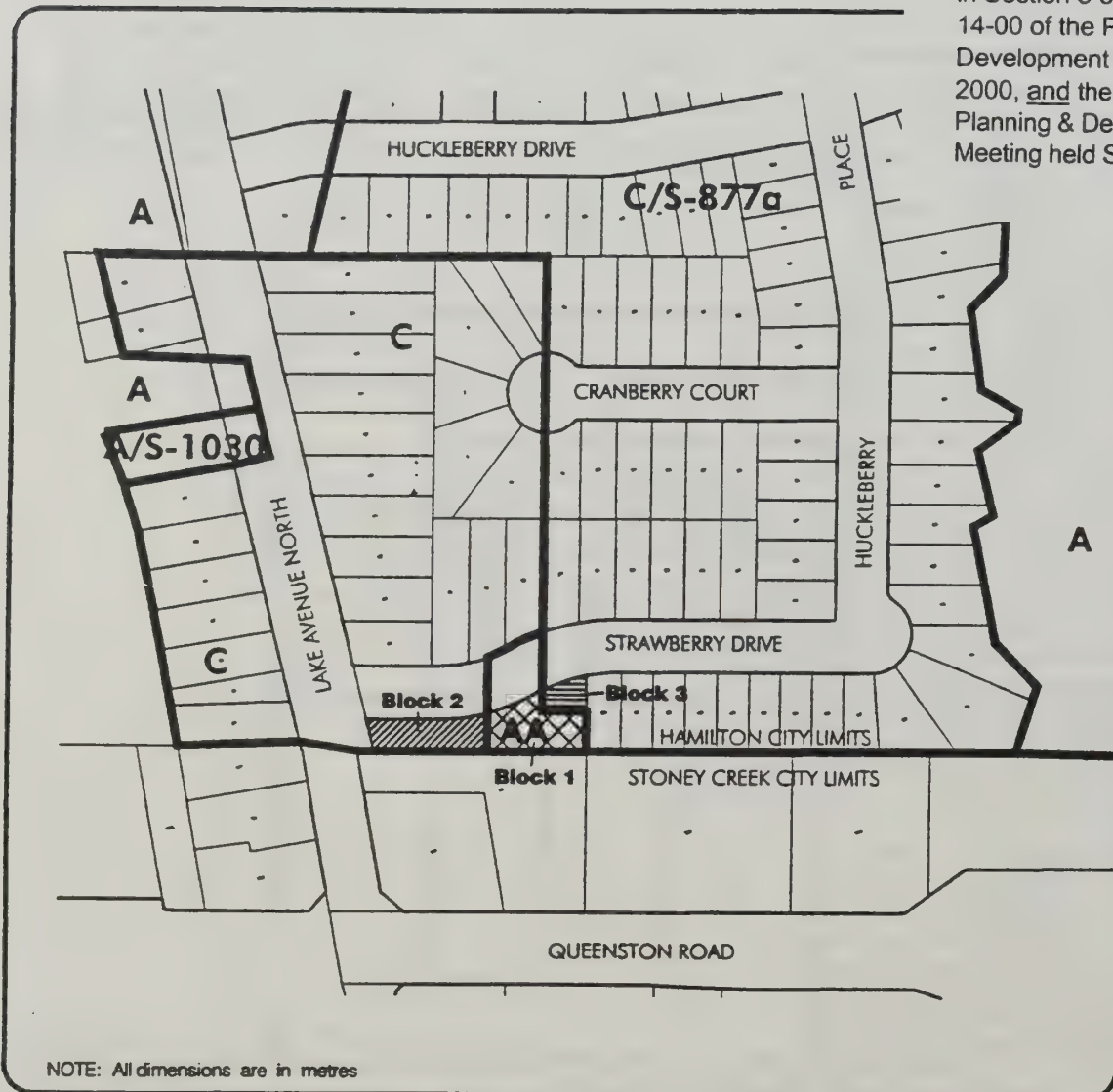
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ZAR-00-24

Scale
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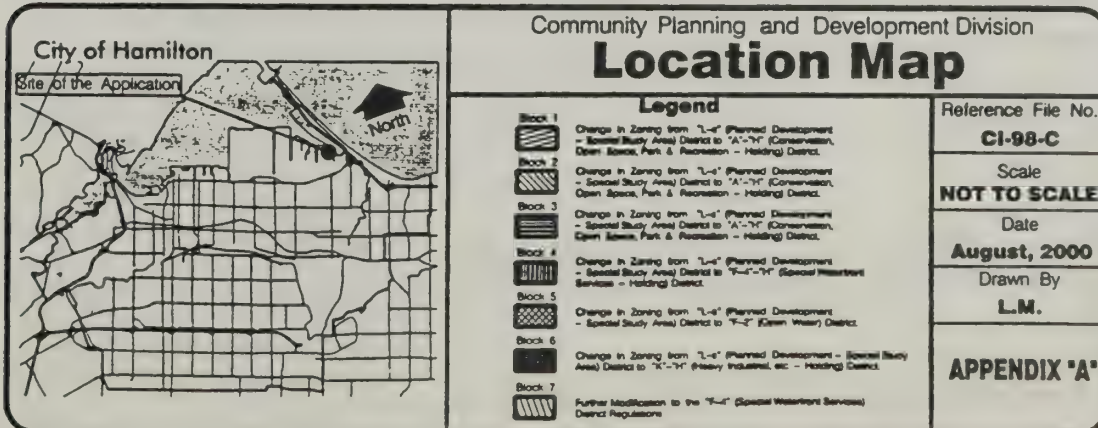
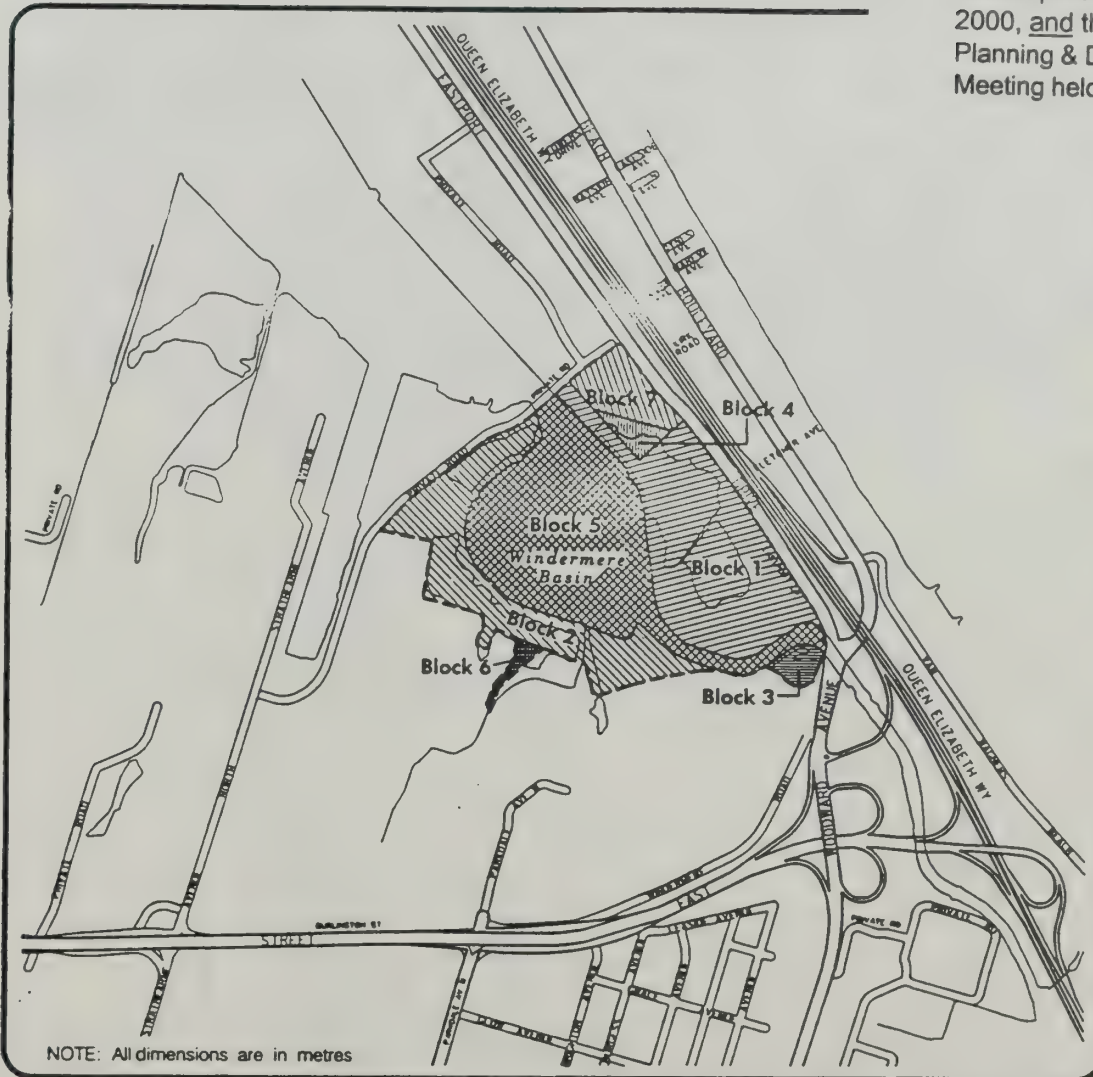
Date
JUNE 2000

Technician:
D.J.

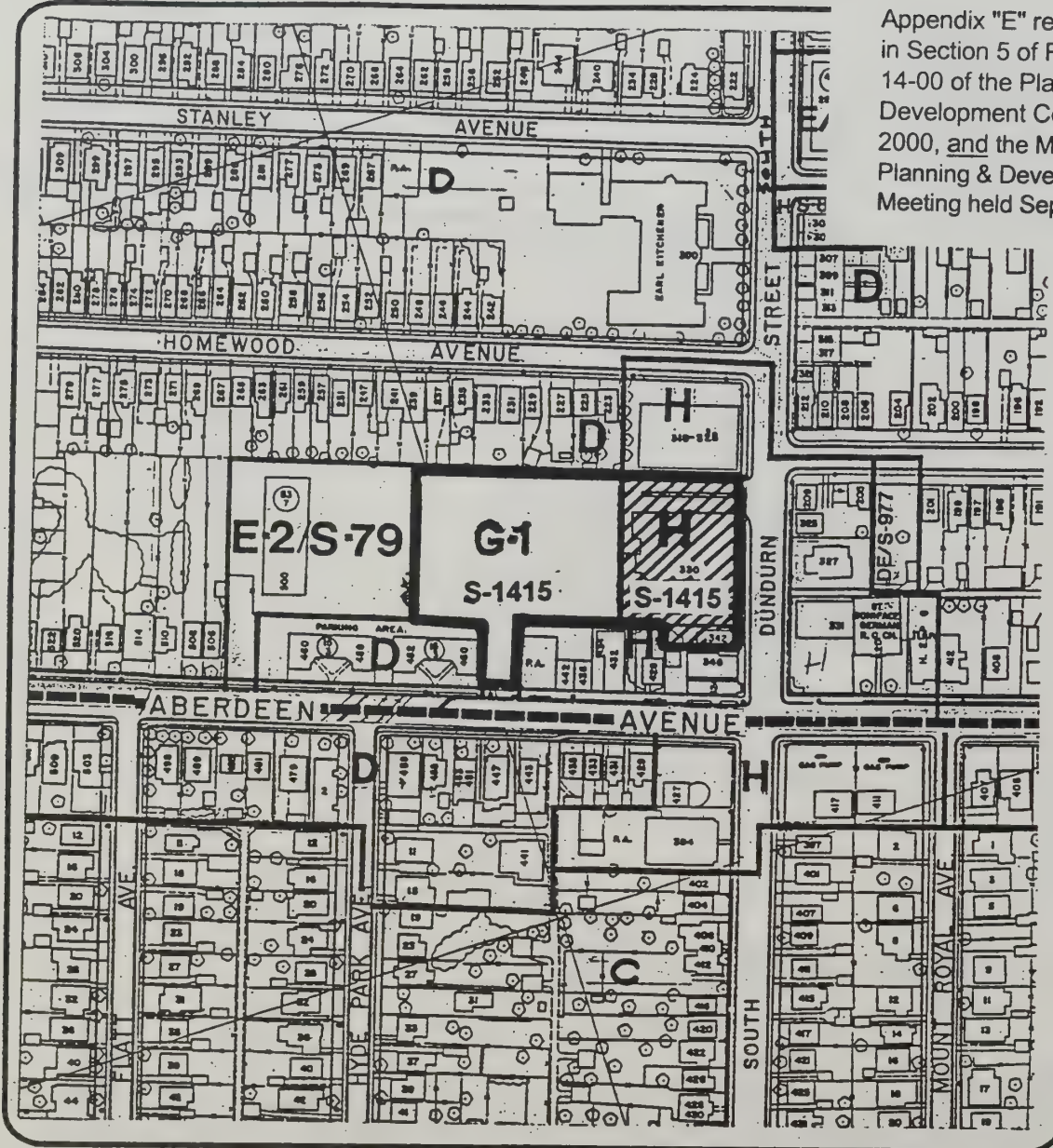
Appendix "C" referred to
in Section 3 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



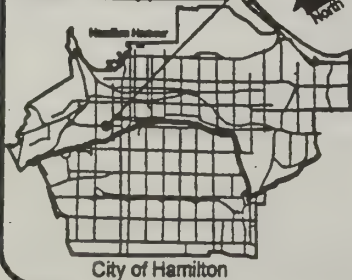
Appendix "D" referred to
in Section 4 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



Appendix "E" referred to
in Section 5 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Further modification to the established "H"
(Community Shopping and
Commercial, etc.) District

Reference No:
ZAC-00-01

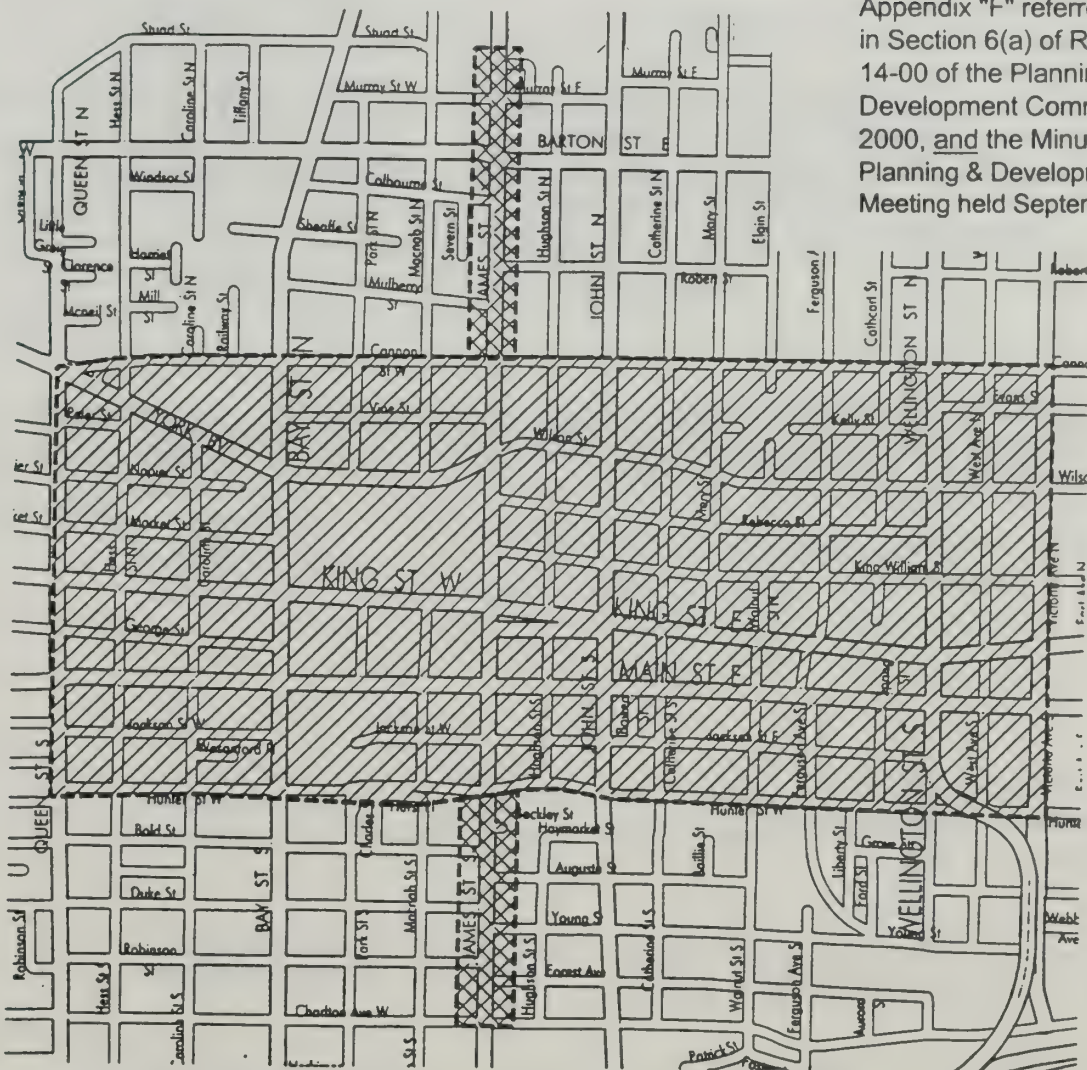
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Date
Feb., 2000

Technician:
B. B.

APPENDIX 'A'

Appendix "F" referred to in Section 6(a) of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



NOTE: All dimensions are in metres

City of Hamilton

Site of the Application



**Downtown Hamilton Community Improvement
Project Area Boundary Expansion**

Legend



Current Downtown Hamilton Community Improvement Project Area Boundary



Expanded Downtown Hamilton Community Improvement Project Area Boundary

Reference File No.

CITYBASE-CIPA-A

Scale

NOT TO SCALE

Date

Aug. 17, 2000

Drawn By

LM

APPENDIX "A"

APPENDIX "B"

**THE DOWNTOWN HAMILTON
COMMUNITY IMPROVEMENT PLAN
FOR THE EXPANDED AREA OF THE
DOWNTOWN HAMILTON
COMMUNITY IMPROVEMENT PROJECT AREA**

Appendix "G" referred to in Section 6(c) of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.

PREFACE:

The Downtown Hamilton Community Improvement Plan (CIP) was established by By-law 97-140 and approved by the Minister of Municipal Affairs and Housing. The Plan was subsequently amended by By-laws 98-122, 98-212 and 98-289.

The geographic area of the Downtown Hamilton Community Improvement Project Area (CIPA) was originally established by By-law 96-188. By-Law 00- has further enlarged the CIPA.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic of the Downtown Hamilton Community Improvement Project Area as set out in By-law 00- and is shown on Appendix "A".

The Downtown Hamilton Community Improvement Plan focuses on rehabilitation, updating existing facades and interiors and encouraging the provision of new residential dwelling units through the provision of grants and loans.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic area delineated by both By-laws 96-188 and 00- .

RATIONALE FOR THE EXPANDED AREA:

A vibrant downtown is key to the current and future well-being of the residents and business community of the City of Hamilton. Through various initiatives established by the City of Hamilton, there is an increasing private sector interest in redevelopment opportunities in Downtown Hamilton. It is important to maintain this interest and promote new investment by adjusting the Community Improvement Project Area boundary to encompass both sides of James Street north from Cannon Street to the former CN Rail Station and south from Hunter Street to St. Joseph's Hospital.

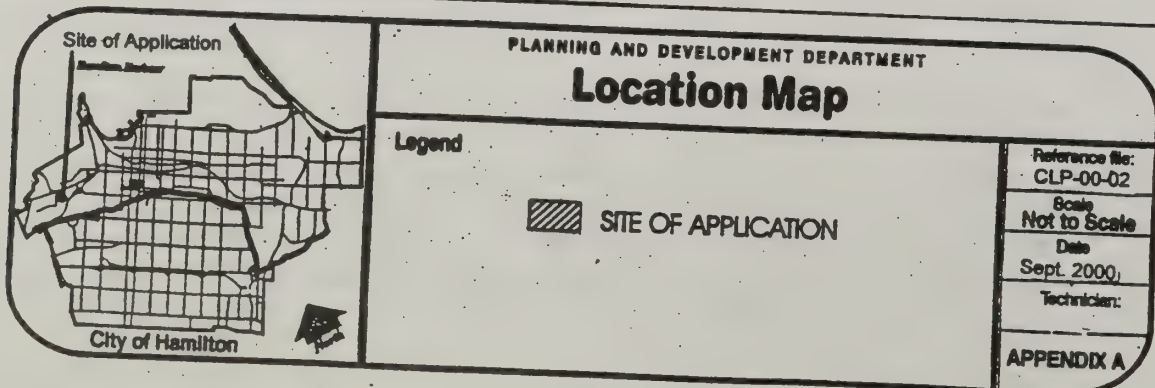
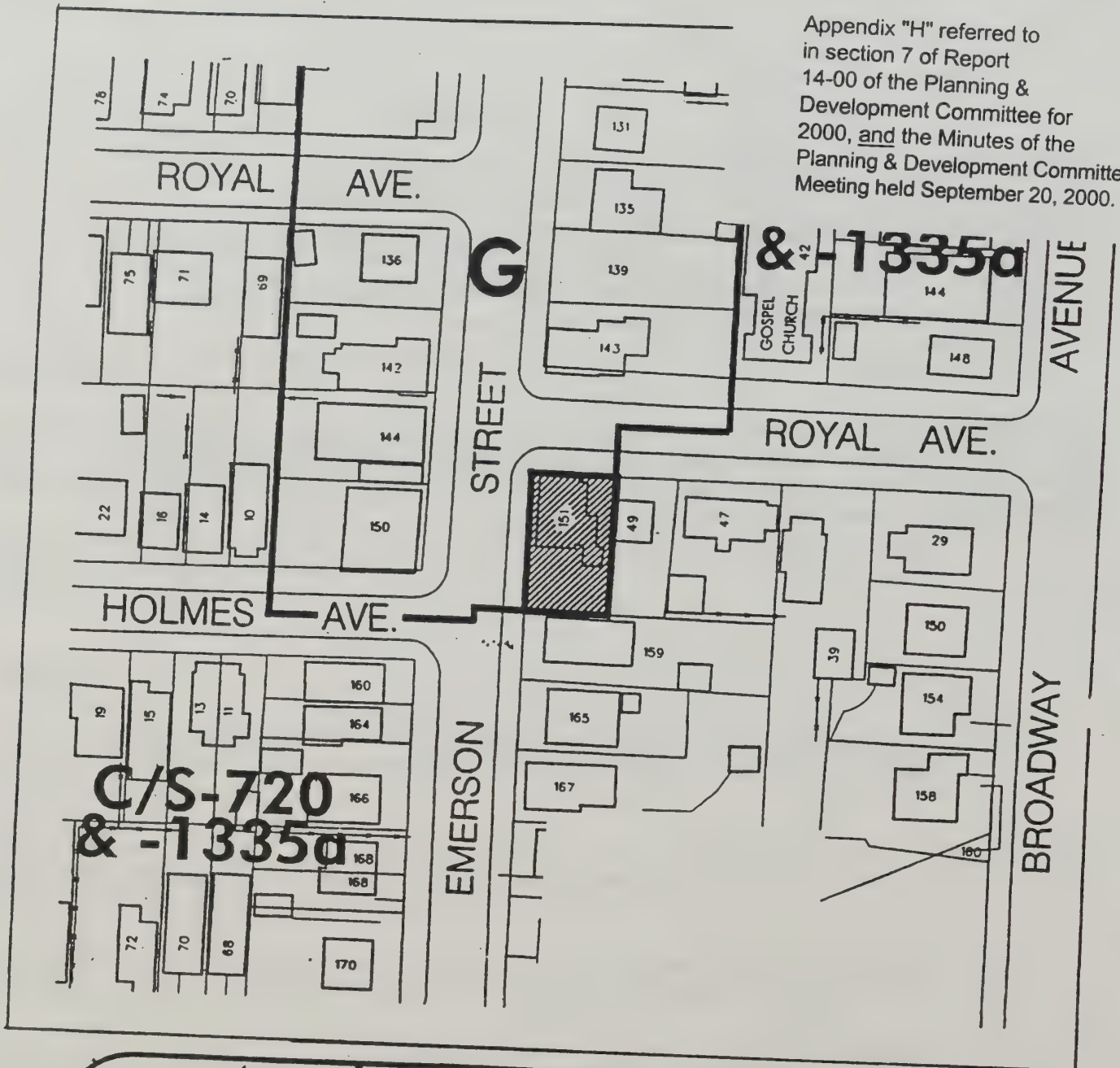
- 2 -

This expansion is warranted for the following reasons:

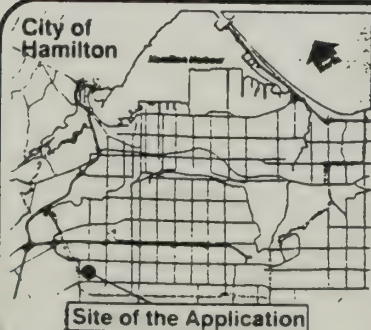
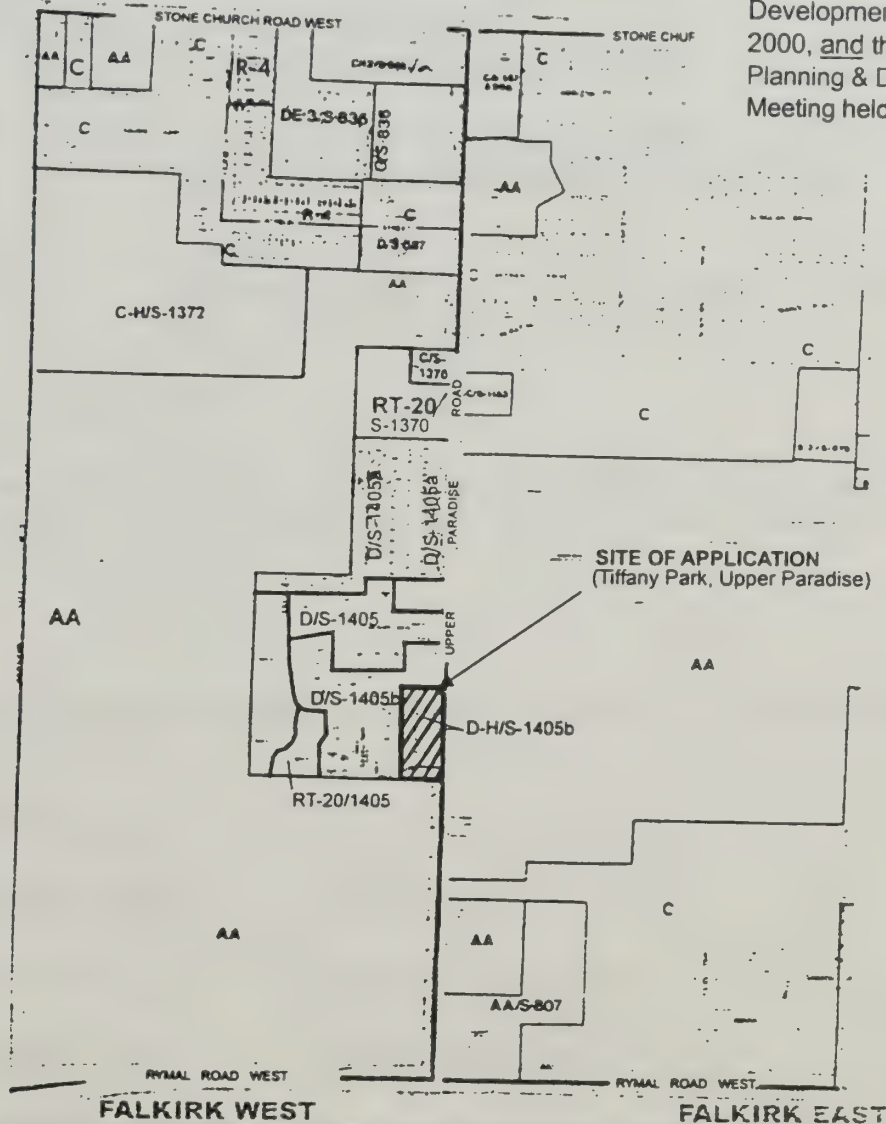
- It recognizes the linear characteristics of the higher order land uses that have existed for many years in Downtown Hamilton;
- It focuses potential revitalization initiatives between two community landmarks to maintain a cohesive identity for Downtown Hamilton; and,
- James Street continues to function as the key north-south arterial spine of Downtown Hamilton.

Co-incident with this expansion of Community Improvement Plan boundaries, it is the intent of the Council of the City of Hamilton to revise eligibility criteria for the existing Convert to Rent Loan program as it applies to the entire Downtown Hamilton Community Improvement Plan Project Area, as amended.

Appendix "H" referred to
in section 7 of Report
14-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held September 20, 2000.



Appendix "I" referred to in Section 8 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application
(Tiffany Park, Upper Paradise)
Removal of 'H' Holding Provision

Reference file:

ZAR-00-11

Scale

Not to Scale

Date

Mar. 2000

Technician:

JS

APPENDIX 'A'

4.1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 September 13

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
152 PARK STREET NORTH - Tag Number 00 150199
(00.1.1.A) (PDC-00162)

Lee Ann Coveyduck

RECOMMENDATION:

That the Acting Director of Building be authorized to issue a demolition permit for 152 Park Street North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: D (Map W-3)

PRESENT USE: Single Family Dwelling

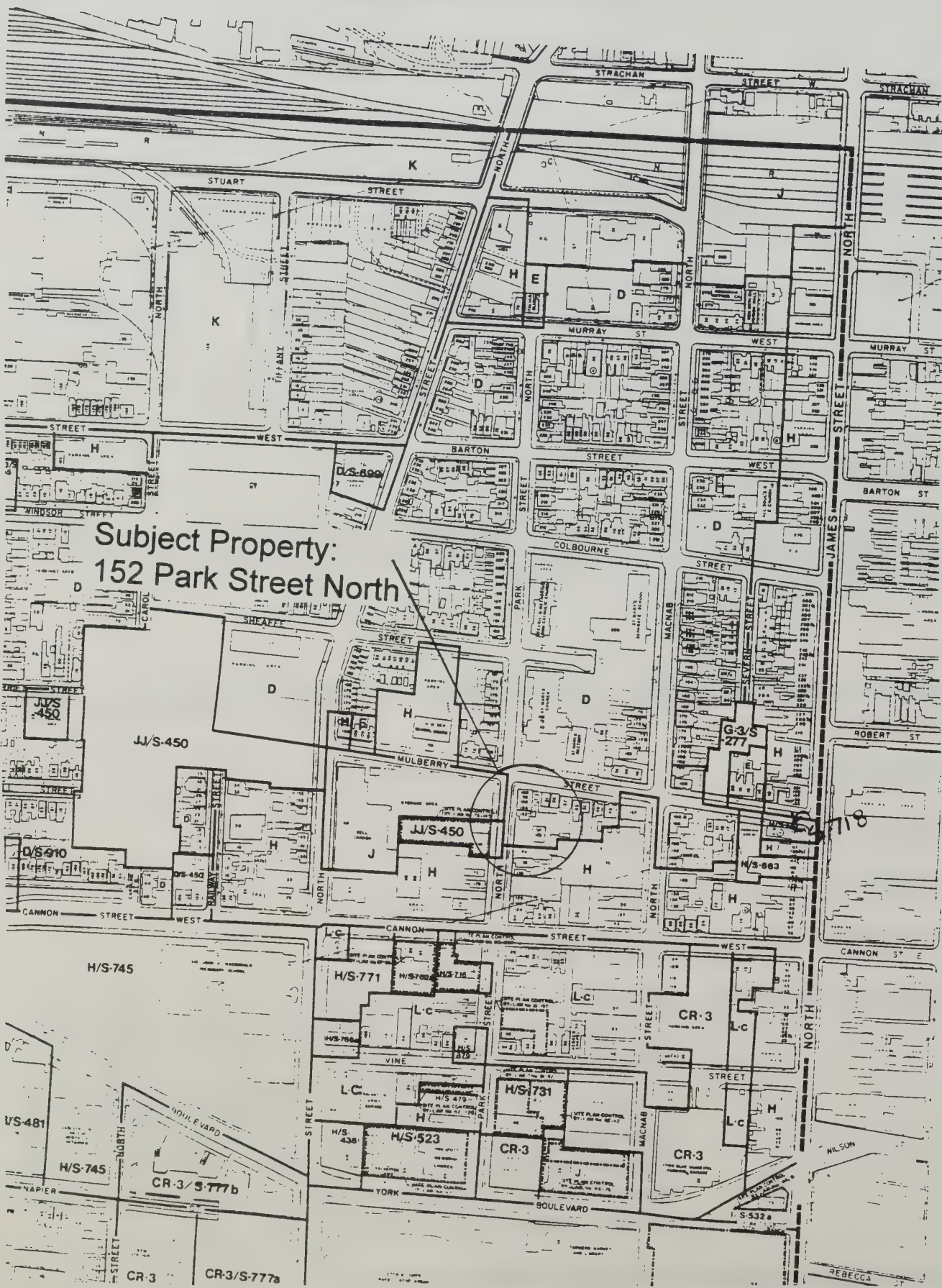
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and construct a new single family dwelling. An application to the Committee of Adjustment has been submitted to permit reduced side yards for a new single family dwelling and is scheduled to be heard at the 2000 October 18 Committee of Adjustment hearing. This property is in the "Central" Neighbourhood and is located in Ward 2 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 9.14m x 36.58m.

The owner of the property as per the demolition permit is:

Manuel Almeida, 160 Park Street North, Hamilton, Ontario L8R 2N3

FP/zr
W



Subject Property:
152 Park Street North

718

H/S-745

H/S-771

H/S-772

H/S-773

CR-3

H/S-481

H/S-745

CR-3/S-777b

CR-3

CR-3/S-777a

H/S-436

H/S-523

H/S-731

CR-3

CR-3

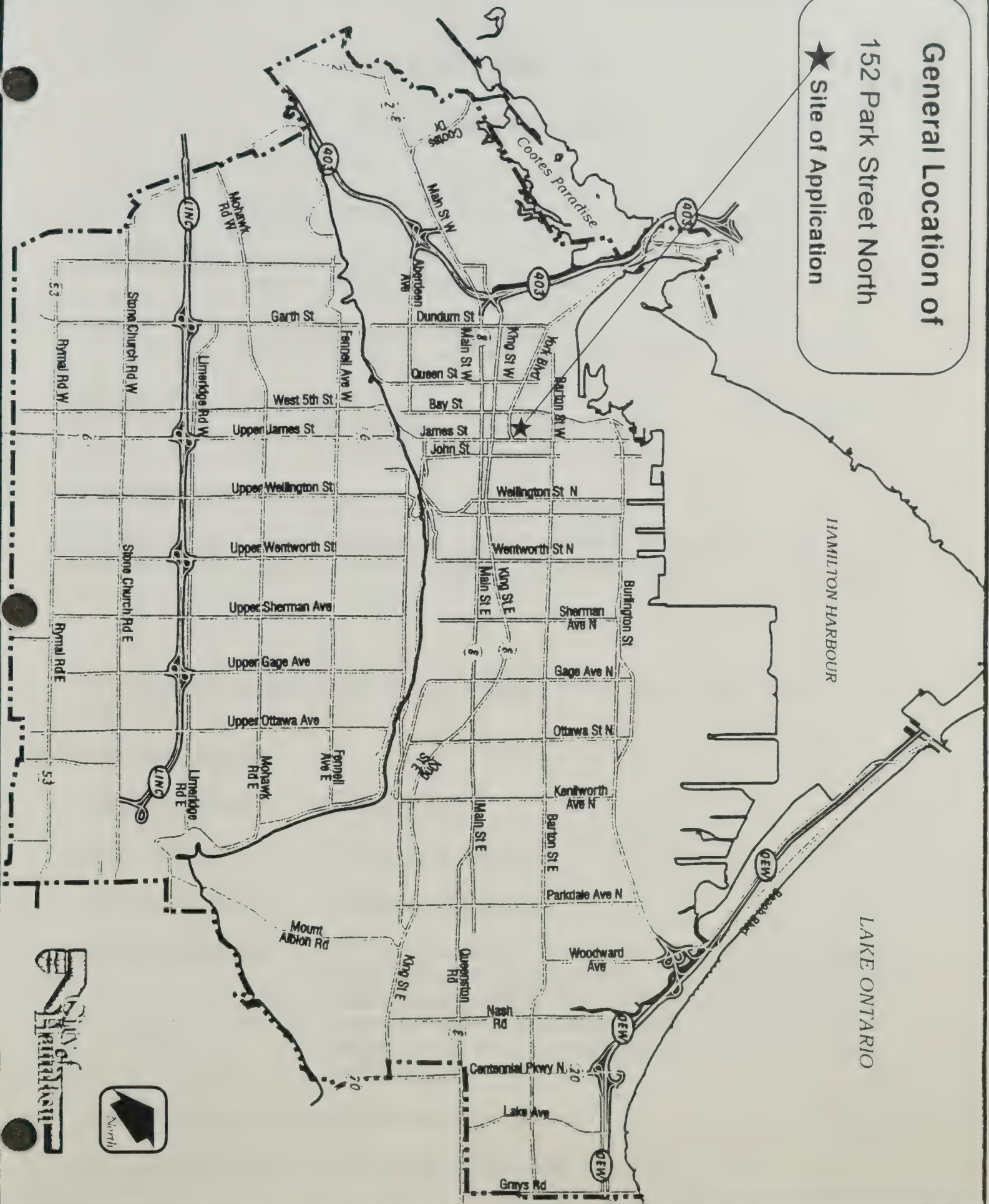
CR-3

REBECCA

General Location of

152 Park Street North

★ Site of Application



4.2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 September 13

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
100 RAINBOW DRIVE - Tag Number 00 150364
(00.1.1.A) (PDC-00163)

Lee Ann Coveyduck
Coveyduck

RECOMMENDATION:

That the Acting Director of Building be authorized to issue a demolition permit for 100 Rainbow Drive in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: C (Map E-95)

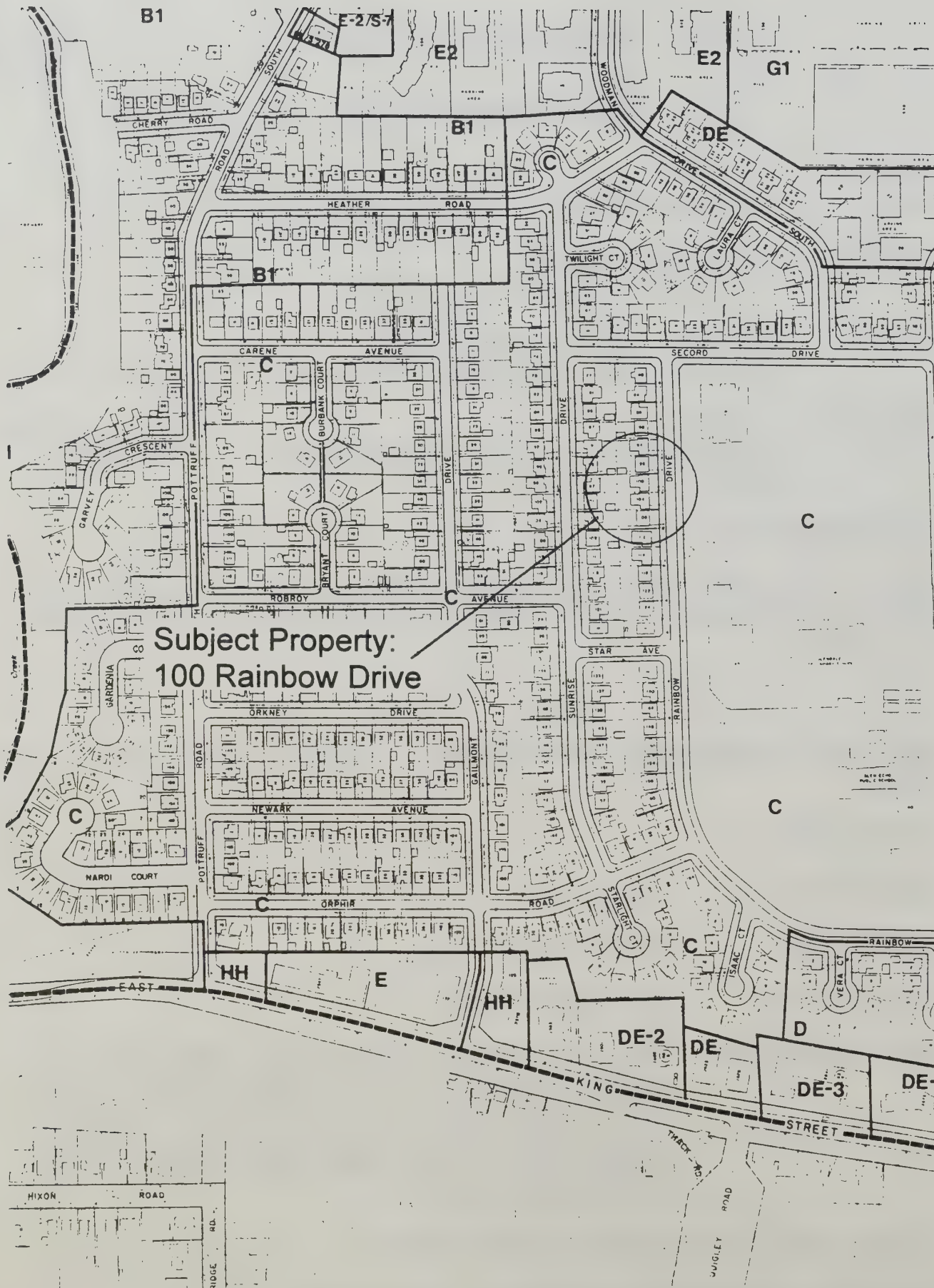
PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling damaged by a fire August, 2000 and construct a new single family dwelling. This property is in the "Corman" Neighbourhood and is located in Ward 5 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 15.24m x 33.83m.

The owner of the property as per the demolition permit is:

Herry Ustynsky, 100 Rainbow Drive, Hamilton, Ontario L8K 4E8

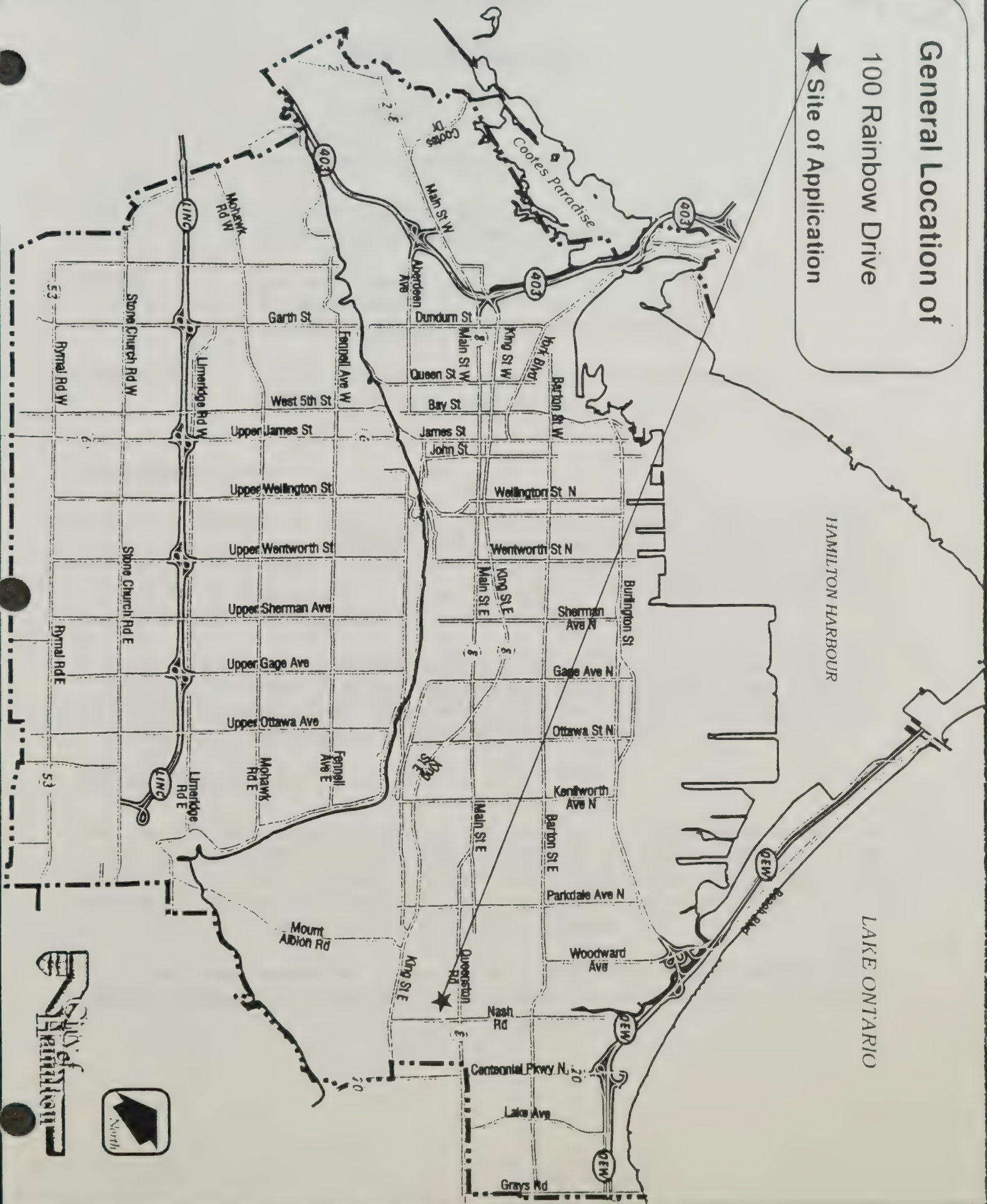


Subject Property:
100 Rainbow Drive

General Location of

100 Rainbow Drive

★ Site of Application



CITY OF HAMILTON

4.3

- RECOMMENDATION -

DATE: 2000 September 22
ZAR-00-28
Ainslie Wood West Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for removal of the Holding Zone for lands located at 1780-1808 Main Street West (PDC00165)

RECOMMENDATION:

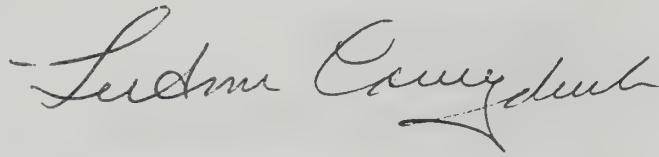
- A. That approval be given **Ninco Construction Limited, owner**, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for an eight (8) storey, 48 unit multiple dwelling, for property located at 1780-1808 Main Street West, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 89-126, and Zoning District Maps W-50 and W-51, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to remove the 'H' – Holding symbol, for lands located at 1780-1808 Main Street West, as shown on the attached map marked as APPENDIX "A". The 'H' Holding provision was placed on the subject lands until approval of Site Plans, including such lot grades between the rear of the building and the new proposed top-of-bank as the City deems necessary.

City Council may remove the 'H' symbol, and thereby give effect to the "H" District modified, provisions by enactment of an amending by-law once the condition is fulfilled.

The effect of the by-law is to permit the development of the subject lands for an eight (8) storey, 48 unit multiple dwelling to be developed as a condominium.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall pass a By-law to remove the 'H' (Holding) symbol when the condition(s) have been satisfied.

BACKGROUND:

Zoning By-law No. 89-126 and Zoning By-law No. 89-178

City Council, at its meeting of April 25, 1989, passed By-law No. 89-126 rezoned the subject lands from "C" (Urban Protected Residential, etc.) District to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, modified (Block "2") and rezoned the adjacent lands from "C" (Urban Protected Residential, etc.) District to "A" – 'H' (Conservation, Open Space, Park and Recreation – Holding) District (Block "1").

The effect of the By-law is to permit senior citizens' multiple dwelling with not more than 143 dwelling units on Block "2". Modifications were included to: permit various accessory uses including a dining room or restaurant for the proposed use; require a minimum front yard setback of 4.0 m; require a minimum 7.62 m setback from the boundary of Block "1"; require a minimum setback of 1.5 m for a parking or loading space from the boundary of Block "1"; permit a floor area ratio factor of 1.85 only for the senior citizens multiple dwelling; require not less than 76 parking spaces for the senior citizens multiple dwelling of not more than 143 units; and, permits an accessory building in the required side yard.

City Council, at its meeting of May 30, 1989, passed By-law No. 89-178. This by-law amended By-law 89-126 to add a provision requiring not less than two loading spaces with a minimum size of 9.0 m (height) x 3.7 m (width) x 4.3 m (height) for the senior citizens multiple dwelling of not more than 143 units.

Site Plan Control Application DA-89-41

Site Plan Control application DA-89-41 was approved on August 29, 1989 for a 143 unit senior citizens multiple dwelling on Block "2". The applicant never followed through with finalizing the plans and the file was subsequently closed July 16, 1993.

Site Plan Control Application DA-00-27

Site Plan Control application DA-00-27 was submitted to develop the subject lands for an eight (8) storey, 48 unit multiple dwelling to be developed as a condominium. Plans have been circulated to the various commenting agencies, including the Hamilton

Region Conservation Authority. As a result of the comments received, revised plans have been submitted.

APPLICANT:

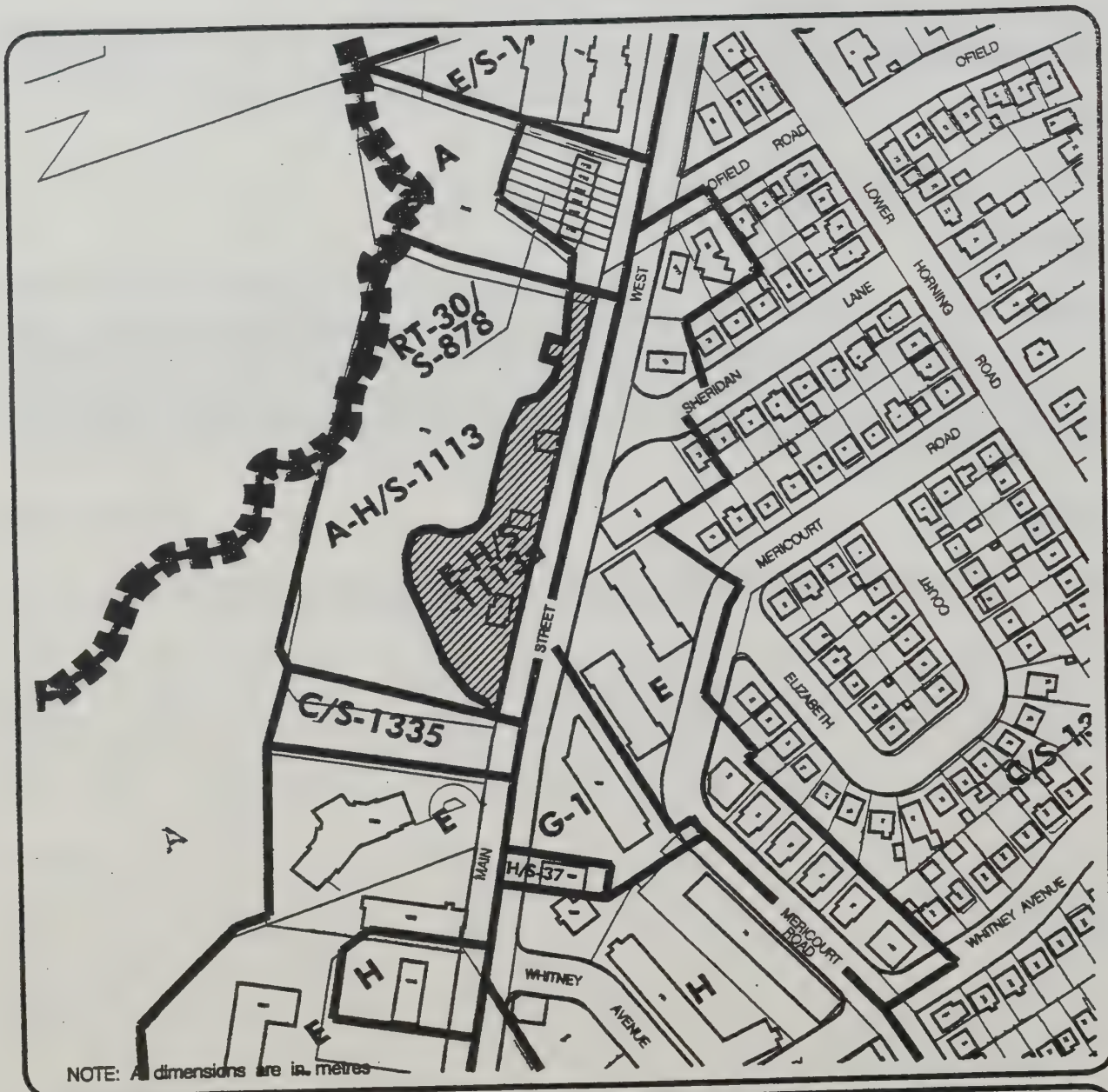
Ninco Construction Limited, owner.

COMMENTS:

Based on the revised plans submitted for DA-00-28, the report and plans for the Site Plan Control application can be finalized and forwarded for approval by the Chairman of the Planning and Development Committee and the Ward Alderman. This will meet the condition for the removal of the 'H' holding provision, and enable the passing of the appropriate amending by-law.

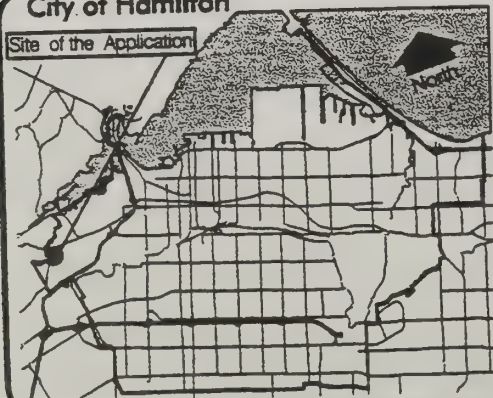
CONCLUSION:

Based on the foregoing, the removal of the 'H' – Holding provision can be supported.



City of Hamilton

Site of the Application



Community Planning and Development Division

Location Map

Legend



Site of Application

Reference File No.

ZAR-00-28

Scale

NOT TO SCALE

Date

July, 2000

Drawn By

B. B.

APPENDIX 'A'

4.4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 September 26

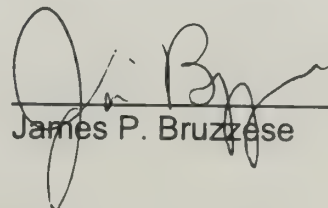
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: James P. Bruzzese
Acting City Manager

SUBJECT: Payment for Accrued Parkland Credit
Allison Estates – Phase 1
(CS00027)

RECOMMENDATION:

That the amount of \$43,400 be paid to 200 Rymal Road Inc. to purchase that company's parkland credit balance of 1,006.248 square metres (0.248 acres), provided that 200 Rymal Road Inc. execute a release in a form satisfactory to Corporate Counsel and the cost be charged to Account No. COHAM 58534 104090 (Reserve for Parklands).


James P. Bruzzese

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The subject parkland credit is a financial obligation owed by the City to 200 Rymal Road Inc. and represents deferred payment for parkland already given to the City by the owner. Funds are available within Account No. COHAM 58534 104090 (Reserve for Parklands).

Based on a review of Transition Board guidelines, staff has concluded that Transition Board Approval is not required.

**Payment for Accrued Parkland Credit
Allison Estates – Phase 1
(CS00027)**

BACKGROUND:

The parkland credit of 1,006.248 square metres (0.248 acres) represents land in excess of the statutory 5% Planning Act requirement that was conveyed by 200 Rymal Road Inc. to the City in May 1994 as part of the Allison Estates – Phase 1 Subdivision. This land was required by the City to implement the approved Allison Estates – Phase 1 Subdivision Neighbourhood Plan. As 200 Rymal Road Inc. does not anticipate any further land development that can utilize the accrued parkland credit 200 Rymal Road Inc. has requested the City purchase the credit for its equivalent current market value of \$43,400. The purchase of parkland credit from owners in this manner is consistent with City practice.

KN/dg

- c.c. R. C. Roszell, Corporate Counsel, Legal Services Section
Attention: H. Vastis
T. Bradbury, Acting Treasurer
B. Janssen, Manager, Local Planning Division
B. Chajka, Manager, Development Engineering Section

4.5

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: September 28, 2000

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, attached hereto, be received for information purposes:

- (a) Commissioner, Department of Public Works and Traffic re: 12th Annual Business Development Seminar – October 23, 2000, (PWT00155) dated September 15, 2000.
- (b) Commissioner, Department of Public Works and Traffic re: Business Improvement Areas – Second Annual Excellence in Property Awards (PWT00156) dated September 14, 2000.
- (c) Commissioner, Department of Public Works and Traffic re: Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PWT00160) dated September 20, 2000.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of these recommendations to receive these documents will ensure that the circulation procedure is recorded for these matters.

(a)

CITY OF HAMILTON

- INFORMATION -

DATE: September 15, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: C. Guthro, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: Twelfth Annual Business Development Seminar –
October 23, 2000 (PWT 00155)

BACKGROUND:

Mark B. Hagedorn
(Guthro)

The Transition Board's approval is not required for this report.

The first Annual Business Development Seminar was held in October 1989 as part of Phase IV of the Downtown Action Plan. The need for an educational seminar for local businesses was determined to be a requirement of sustaining a healthy core community by the Downtown Action Plan Phase IV consultants, Moorhead Fleming Corban and McCarthy. The Plan was approved by City Council at its meeting held August 26, 1986.

Over the past eleven years the seminar has met the needs of entrepreneurs by providing dynamic speakers with leading edge advice on how to run a successful business. It also provides a great networking opportunity for the participants. The event programming initially offered an entire day of keynote speakers and workshops. Programming was subsequently modified to meet the changing needs of the business community by offering an early morning breakfast and keynote speaker following by an optional workshop thus enabling the participants to continue with their business needs during the remainder of the day.

The partners involved in organizing/sponsoring the event include: the City of Hamilton, the Business Development Bank of Canada, the Regional Municipality of Hamilton-Wentworth, the Business Advisory Centre, the Hamilton & District Chamber of Commerce, the International Village B.I.A. and CHML Radio 900.

This year's keynote speaker and workshop leader is John Torella, The J. C. Williams Group. John's keynote will be "Winning in the Hyper Competitive Marketplace of the

Twelfth Annual Business Development Seminar – October 23, 2000 (PWT 00155)

21st Century". The presentation outline includes: learning who's winning and how they are winning – the key strategies that are helping build customer service; discovering the key tactics that are driving long-term profitable growth and customers for life; and, experiencing some simple "how-to's" to improve stores, products and service experiences.

The workshop topic is "Keys to Successful Online Selling". The workshop outline includes: a presentation of the key strategic and operational "how-to's" of selling online; reviewing the process and beginning the detailing of an E-commerce strategy; and, 10 questions that need to be answered about selling online.

John Torella is a Senior Partner of The J. C. Williams Group and a senior consultant in the areas of strategic planning, branding, marketing and communications and is a sought after speaker and workshop leader. He co-authored "Building a Winning Retail Strategy" for the Retail Learning Initiative at Ryerson, "A Guide to Retail Success" for the National Retail Federation in the United States, and his latest book is titled "Brands and the Concept of Whole Branding".

The event will be held on Monday, October 23, 2000 commencing at 7:45 a.m. Entrepreneurial awards presented by the Business Advisory Centre, the Business Development Bank of Canada and the Business Improvement Area and Business Association Co-ordinating Committee will follow the keynote presentation. The workshop component will then commence after a short-break.

The cost of the event will be charged to the Business Development Seminar Account Number COHAM 54350 428706000. There is approximately \$4,500 remaining in the account from surplus revenue derived from previous year's seminars. The anticipated expenditure for the event is \$4,000. This amount will be offset by sponsorship in the amount of \$1,500 from the Business Development Bank of Canada and the Economic Development Department. Registration fees will derive further revenue. The registration fee for breakfast and the keynote speaker is \$20 with the workshop requiring an additional \$20. In order to secure the services of this most popular and sought after speaker, confirmation and budget commitment are presently being made.

① cc: B. Hill, Finance Department

(b)

CITY OF HAMILTON

- INFORMATION -

DATE: September 15, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: C. Guthro, Acting Commissioner
Public Works and Traffic Department

SUBJECT: Business Improvement Areas (B.I.A.'s) –
Second Annual Excellence in Property Awards (PWT00156)

BACKGROUND:

The Transition Board's approval is not required for this report.

*Mark B. Hyatt for
(Guthro)*

In 1999 the Business Improvement Area (B.I.A.) and Business Association Co-ordinating Committee created the "Excellence in Property Awards" in an effort to increase public awareness of the vital contribution B.I.A.'s make to their communities. The awards recognize individual B.I.A. members for exceptional properties and the positive impact their efforts have on the City as a whole. The awards were a resounding success and will be repeated in 2000.

The 2000 Excellence in Property Awards is presently being co-ordinated by the Business Improvement Area and Business Association Co-ordinating Committee. Each participating B.I.A. will select two properties from within their boundaries for recognition. Each of the property owners/tenants will be recognized at the Business Development Seminar being held on October 23, 2000. The recipients will be presented with a framed photograph of their property and a recognition certificate.

Once the nominees are identified, a panel of judges, comprised of an architect, an urban designer and a professor of business, will review each property and choose one property from each B.I.A. for an award, as well as one property from the final six for the "grand" award. The awards are created by Shirley Elford and will be presented at a City Council meeting.

Hamilton's participating B.I.A.'s will each contribute \$400 to cover the entire cost of the awards program including photographs, framing, creation of the glass awards and coffee and dessert prior to the council meeting.

(c)

CITY OF HAMILTON

- INFORMATION -

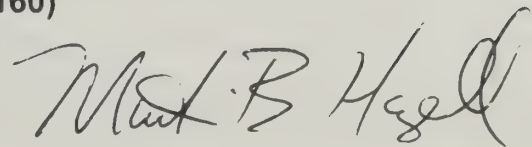
DATE: September 20, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: C. Guthro, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.)
Revised Board of Management (PWT00160)

BACKGROUND:



The Transition Board's approval is not required for this report.

The Downtown Hamilton B.I.A. has recently accepted the resignation of one of its Board of Management members, namely:

R. Iannuzzi, Canadian Imperial Bank of Commerce

The Municipal Act, Section 220, dictates that "each member shall hold office from the time of appointment until the expiration of the term of the Council that made the appointment, if the member continues to be qualified...". R. Iannuzzi tendered her resignation due to unforeseen commitments that have resulted in her being unable to devote the time required to the Board.

The Downtown Hamilton B.I.A.'s constitution dictates that its Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The resignation of the above individual brings the remaining number of Board members to 12, no including the Ward Aldermen, therefore is not in contravention of the Downtown Hamilton B.I.A.'s constitution.

c.c. Alderman Horwath, Ward Two
C. Gorni, Executive Director, Downtown Hamilton B.I.A.

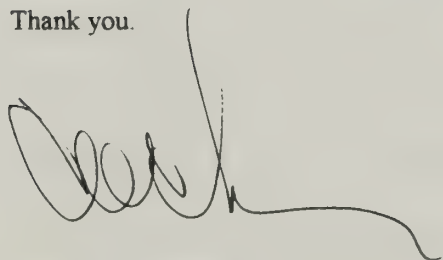
September 21, 2000

Tina Agnello
Secretary
Planning & Development Committee

This letter is my request that my earlier request for a waiver of the two year building requirement as per Bill PR 140 be put on the agenda of the Planning & Development meeting of October 4, 2000. The previous request for the waiver was tabled and never voted on.

Please confirm to me at 31 Cross Street
 Dundas Ontario L9H 2R5
 905 522 1368 or 905 627 7069

Thank you.

A handwritten signature in black ink, appearing to read 'Clair W. C. Sellens', with a long horizontal flourish extending to the right.

Clair W. C. Sellens

CITY OF HAMILTON

5.2

- RECOMMENDATION -

DATE: September 27, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Downtown Convert/Renovate to Residential Loan Program
11 Rebecca Street, Hamilton
Rebecca Street Holdings (Hamilton) Inc. (HSB00016)

Lee Ann Coveyduck

RECOMMENDATION:

- a) That a loan to Rebecca Street Holdings (Hamilton) Inc., (principal Mr. Anthony G. DiCenzo) for building rehabilitation and conversion to 40 residential condominium rental units at 11 Rebecca Street, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:
 - i) A maximum loan of \$800,000 under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;
- b) That the loan amounting to \$800,000 be subject to the following conditions:
 - i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be repayable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);
 - ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:

- 1) All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;
- 2) At the time of each loan advance:
 - there remains at least 25% owners' equity (as described above) in the properties;
 - the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 40 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
- iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;
- iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;
- v) That the client commence construction within 3 months of receipt of the building permit; and,
- vi) Such other terms and conditions that Council may, in its discretion, require.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This project will be funded from the \$10 Million operating line of credit for the Downtown Convert/Renovate to Residential Loan Program approved by Council and the Transition Board. **Transition Board approval is not required.**

BACKGROUND:

Report HSB00016 has been prepared pursuant to an application from the owner/applicant, Rebecca Street Holdings (Hamilton) Inc., (principal Mr. Anthony G. DiCenzo) under the terms of the Downtown Convert/Renovate to Residential Loan Program which were recently amended by Council. Those amendments additionally require approval from the Ministry of Municipal Affairs and Housing under a proposed amended Downtown Community Improvement Plan. As further information for the Committee, the applicant has agreed to attend the meeting to address any questions and to describe the contemplated scope of the project.

11 Rebecca Street is a concrete and steel beam building with brick veneer, built in the late 1940's. The owner/applicant purchased this long time vacant building from the City of Hamilton in March of 2000. The owner's intention is to convert the building into 40 residential units with a total residential gross floor area of 40,000 square feet, and approximately 2,000 square feet of commercial.

The application conforms to the policy approved by Council in Report PDC00151.

AGENDA

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday October 25, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

URBAN MUNICIPAL

OCT 23 2000

GOVERNMENT DOCUMENTS

Tina Agnello
Legislative Assistant

CALL TO ORDER

1. DECLARATIONS OF INTEREST

2. PUBLIC MEETINGS- 9:30 a.m.:

2.1 29, 31, 33 and 37 Rosedale Avenue and 1900 King Street East- Official Plan Amendment and Change in Zoning, ZAC-00-27 (PDC00171)

2.1.1 Submission: Ed & Myrna Bullough, 41 Rosedale Avenue, Hamilton

2.1.2 Submission: Mary Lou Tanner, 10 Lydia Street, Hamilton

2.2 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North and 8 Harrison Avenue- Change in Zoning, ZAC-00-30 (PDC00173)

2.3 398 Kenora Avenue- Change in Zoning, ZAR-00-31 (PDC00172)

9:45 a.m.

2.4 475 Main Street East- Change in Zoning, ZAC-00-22 (PDC00167)

2.5 Neighbourhood Plan Amendment – Templemead Neighbourhood P5-2-129 (PDC00170)

2.5.1 Submission: Edwyn and Sharon Lewis

3. ADOPTION OF MINUTES

- 3.1 Minutes of the Regular Meeting Held October 4, 2000

4. CONSENT ITEMS

- 4.1 Downtown Convert/Renovate to Residential Loan Program Core Heritage 2000 Program, 12 Mary Street (HSB00017)
- 4.2 Core Heritage 2000 Program- Grant Increase, 84 James Street North (HSB00018)
- 4.3 Request for Removal of the Holding Zone for lands located at 694 Upper James Street (PDC00181)
- 4.4 Delegation of Approval Authority- Site Plan Control Applications (PDC00176)
- 4.5 Proposed Niagara Escarpment Plan Amendment PH/71/90 (Escarpment Link- Parkway Belt West) (PDC00168)
- 4.6 Lands to be Placed Under Site Plan Control – 88 Fennell Avenue West (PDC00175)
- 4.7 Revision to Council Resolution Regarding Streamlining of Land Development Department Approvals Processes (PDC99153A)
- 4.8 Eleventh Annual Public Service Announcement (PWT00175)
- 4.9 Westdale Village BIA proposed Budget and Schedule of Payments for 2001(PWT00178)
- 4.10 International Village BIA proposed Budget and Schedule of Payments for 2001(PWT00186)
- 4.11 Concession Street BIA proposed Budget and Schedule of Payments for 2001(PWT00187)
- 4.12 Information Reports

5. DISCUSSION ITEMS

- 5.1** Request for a waiver of the 2 year building requirement as per bill PR 140 for Belvidere property from Clair W. Sellens (Previously Tabled)
- 5.2** Referral of Council Correspondence regarding Enterprise Zones from Regional Council
- 5.3** Demolition of 30 Norfolk Street North (PDC00169)

Submissions: **5.3.1** Mr. & Mrs. Grigg, 35 Thorndale Ave. N, Hamilton

5.3.2 Pauline Rizdon, 31 Thorndale Ave. N, Hamilton

5.3.3 Jim & Betty Betchel, 9 Sanders Boulevard, Hamilton

6. OTHER BUSINESS

7. ADJOURNMENT

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 2000 October 11
Bartonville Neighbourhood
ZAC-00-27

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Request for an Official Plan Amendment and a change and modification in zoning for lands located at No. 1900 King Street East and 29, 31, 33 and 37 Rosedale Avenue (PDC00171)

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. ____ to redesignate the lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on the attached map marked as APPENDIX "A", from "Residential" to "Commercial", and that the Director of Community Planning be directed to prepare the By-law of Adoption in accordance with Section 22 of the Planning Act, for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to **Zoning Application ZAC-00-27, Lindlaw Management Services Limited, prospective owner (Block "1") and owner (Block "2")**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, modified for lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on APPENDIX "A", and for a modification to the established "G-1" (Designed Shopping Centre) District regulations for lands located at 1900 King Street East, shown as Block "2" on APPENDIX "A", to allow for expansion of the existing commercial plaza, on the following basis:
- (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District.
- (ii) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A. of Zoning By-law 6593, applicable to Blocks "1" and "2", be modified to include the following variances, as special requirements:
1. No new vehicular accesses shall be permitted onto Rosedale Avenue from the subject lands.
 2. Notwithstanding Section 13A.(1)(x), (xi) and (xii), the following uses shall be prohibited:

- A. Roof signs for a building not existing on the day of passing of this By-law;
 - B. Wall signs on the westerly and southerly elevations for a building not existing on the day of passing of this By-law; and,
 - C. Third party/billboard signs and ground signs on Block "1" ;
3. With the exception of one loading space and accessory maneuvering space, the rear yard of a building not existing on the day of passing of this By-law shall be landscaped area.
 4. Notwithstanding Section 13A.(3), no building shall exceed a height of one storey.
 5. Notwithstanding Section 13A.(4)(a), a minimum westerly side yard width of 6.6 m and a minimum southerly rear yard depth of 10.9 m shall be provided and maintained.
 6. Notwithstanding Section 13A.(9)(i), a planting strip with a minimum width of 3.0 m shall be provided and maintained along the entire southerly rear lot line of Blocks "1" and "2".
 7. A landscaped area having a minimum average width of 2.0 m, but not less than 1.0 m in width, shall be provided and maintained along the entire street line of Rosedale Avenue and King Street East for Blocks "1" and "2", except for the area used for access driveways.
 8. Notwithstanding clause 7. above, a minimum 6.6 m wide landscaped area shall be provided and maintained within the westerly side yard of a building not existing on the day of passing of this By-law.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-66 be notated S- .
 - (iv) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council.
 - (v) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to redesignate lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on the attached map marked as APPENDIX "A", from "Residential" to "Commercial".

The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, modified for Block "1" and for a modification to the established "G-1" (Designed Shopping Centre) District regulations for Block "2".

The effect of the proposed By-law is to allow an expansion of the existing 4,564 m² commercial plaza at 1900 King Street East (Block "2") onto lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue (Block "1"). The expansion would be for a 957 m² free standing building for a retail drug store (Shoppers Drug Mart).

In addition, the by-law provides the following variances as special requirements:

- No new vehicular accesses shall be permitted onto Rosedale Avenue from the subject lands.
- The following uses shall be prohibited:
 - Roof signs for the proposed new building;
 - Wall signs on the westerly and southerly elevations for the proposed new building; and,
 - Third party/billboard signs and ground signs on Block "1" .
- With the exception of one loading space and accessory maneuvering space, the rear yard of the proposed new building shall be landscaped area.
- Restricts all new buildings to a maximum height of one storey, whereas the Zoning By-law would permit a height of 3 storeys.
- Permits a minimum westerly side yard width of 6.6 m and requires a minimum southerly rear yard depth of 10.9 m, whereas the Zoning By-law would require a minimum side yard of 11.0 m and a minimum rear yard of 9.0 m.
- Requires a planting strip with a minimum width of 3.0 m along the entire southerly rear lot line of Blocks "1" and "2", whereas the Zoning By-law normally requires a planting strip with a minimum width of 1.5 m.
- Requires a landscaped area having a minimum average width of 2.0 m, but not less than 1.0 m in width, along the entire street line of Rosedale Avenue and King Street East, except for the area used for access driveways.
- In addition to the above (2.0 m wide landscape strip), requires a minimum 6.6 m wide landscaped area within the westerly side yard of the proposed new building.

Aray Repulla
for the

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for an Official Plan amendment and zoning by-law amendment.

BACKGROUND:

Preliminary Inquiry

In May of 2000, the Land Development Department received a preliminary inquiry with respect to the subject lands. The agent for the applicant sought input from the Department on a proposal to expand the existing 4,564 m² commercial plaza located at 1900 King Street East (Block "2" on Appendix "A") onto properties known as Nos. 29, 31, 33 and 37 Rosedale Avenue (Block "1" on APPENDIX "A"). The purpose of the expansion would be to construct a 957 m² free standing building for a retail drug store (Shoppers Drug Mart).

The agent was advised that there were planning concerns respecting the extension of a commercial use into a residential area and that any planning support of the application would be based on the overall improvements to the plaza and extensive buffering for the new building, which would benefit the community and offset impacts of the plaza expansion. The applicant was also advised that new truck accesses from Rosedale Avenue and reductions in required parking would not be supported. In addition, the agent was advised that improvements incorporating current commercial landscape standards (e.g. minimum average 2.0 m landscape strip along street frontages) would be expected along King Street and Rosedale Avenue. The concept plan submitted with the preliminary inquiry (dated June 5, 2000) included significant green space and heavy landscaping around the proposed new Shoppers Drug Mart building, to justify the reduced setback and mitigate impacts on the adjacent residential land uses (e.g. to the south and west).

Application ZAC-00-27

On August 14, 2000, the applicant submitted application ZAC-00-27 for the expansion of the plaza. The application is for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, modified for lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on APPENDIX "A", and for a modification to the established "G-1" (Designed Shopping Centre) District regulations for lands located at 1900 King Street East, shown as Block "2" on APPENDIX "A". The application also requires an Official Plan Amendment to redesignate the lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on the attached APPENDIX "A". The concept plan submitted with application ZAC-00-27 is attached as APPENDIX "B".

Upon review of the application, it was noted that the concept did not incorporate significant improvements to the existing plaza (e.g. min. average 2 m wide landscape strips adjacent to the streets, landscaping within the parking areas, improvements to the landscape buffer strip along the rear lot line of the plaza, etc.). Furthermore, the plan submitted with application ZAC-00-27 did not follow through with the extensive green space around the new building as originally proposed and replaced much of the rear yard green space with parking (16 spaces) and loading. The agent was advised that the Land

Development Department would not support the plan submitted with application ZAC-00-27 (APPENDIX "B").

Amended Applications ZAC-00-27

As a result of the above concerns, the applicant submitted a revised concept plan on September 27, 2000. The revised plan included revisions to the existing parking area and some additional landscaping. However, the revised plan still included 16 parking spaces south of the proposed drug store building and did not satisfactorily address the planning concerns (e.g. landscape improvements along the street frontages). Consequently, the applicant submitted a further revised plan on October 4, 2000, attached as APPENDIX "C". This revised plan shifted the building southerly to make use of existing parking north of the proposed building. Although the westerly side yard was reduced from the originally proposed 7.5 m to 6.6 m, the revisions did result in the removal of the proposed parking spaces from the rear yard of the proposed building. In addition, the applicant has agreed to incorporate the following features into the redevelopment:

- Minimum 2.0 m wide landscape areas, including street tree and understory planting, will be provided adjacent to the Rosedale Avenue and King Street frontages and all existing parking areas;
- The westerly side yard of the new building, which ranges in width between 6.6 m and 8.4 m, will be heavily landscaped to screen adjacent residential uses. In addition, the westerly façade of the building will incorporate design features to improve the appearance (e.g. decorative brick) from the adjacent residential uses on the west side of Rosedale Avenue;
- The southerly rear yard, ranging in depth from 10.9 m to 3.2 m will also be heavily landscaped.
- The existing landscaped area along the southerly lot line (min. 3.2 m deep) will receive additional landscape treatment to improve the buffer between the existing loading and parking areas and adjacent residential uses.
- Unused space within the parking area (e.g. area around the pylon sign, traffic islands, etc.) will be landscaped to improve the general attractiveness of the site.
- An approximate 2.5 m wide parcel of land (southerly portion of No. 37 Rosedale Ave.) would maintain the "C" (Urban Protected Residential, etc.) District zoning. It is intended that this parcel would be severed under a future consent application and merged with the adjacent lands at No. 41 Rosedale Avenue. This would provide additional side yard buffer area for No. 41 Rosedale and result in an extension of the existing southerly rear lot line for the plaza expansion.

APPLICANT:

Lindlaw Management Services Limited, prospective owner of 29, 31, 33 and 37 Rosedale Avenue (Block "1" on APPENDIX "A") and owner of No. 1900 King Street East (Block "2" on APPENDIX "A").

LOT SIZE AND AREA:

The subject lands (Blocks "1" and "2") have:

- approximately 123.35 m of frontage on Rosedale Avenue;
- 121.31m of frontage on King Street East; and
- a lot area of 1.82 ha (4.49 ac.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Existing Commercial Plaza, one converted two-family dwelling and three single-family dwellings	"G-1" (Designed Shopping Centre) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	Institutional (churches), commercial and mixed commercial/residential	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
To the west	Commercial and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue (Block "1" on APPENDIX "A") are designated "Residential" and the lands located at No. 1900 King Street East are designated "Commercial". The proposal requires an Official Plan Amendment to redesignate the lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue (Block "1" on APPENDIX "A") from "Residential" to "Commercial". The following policies from Subsection A.2.2 Commercial Uses of the Official Plan should be noted:

"2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

- iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres; and,

2.2.13 Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development.

2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:

- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial developments in the area.

2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal is considered a Neighbourhood Shopping Centre and is located within an Extended Commercial area. It is the intent of Policy A.2.2.22 to improve the visual amenity and general attractiveness of Extended Commercial areas by means such as the restoration, rehabilitation or repair of existing storefronts and facades. At the same time, it is the intent of Policy A.2.2.19 that redevelopment within Extended Commercial areas should not result in indiscriminate extensions of Commercial uses into stable residential areas. Furthermore, the proposal must meet the criteria established above respecting the mitigation of impacts on adjacent residential uses. The proposal would not conflict with the intent of the Commercial policies.

NEIGHBOURHOOD PLAN:

There is no Approved Plan for the Bartonville Neighbourhood.

COMMENTS RECEIVED:

- The Community Planning and Development Division, Building Department advised of the following:
 - "1. King Street has previously been established as the front yard and shall remain as the front yard.
 2. Our records (DA-81-69) indicate that the existing gross floor area of the buildings is 4564m² and includes the mezzanine in the existing grocery store. Therefore, the total gross floor area of the buildings, including the new retail store of 957m², is 5521m².
 3. The site plan submitted is illegible and the new proposed lot line is not clearly indicated.
 4. The height of the building has not been indicated and based on the height of the building, not exceeding 12.0m, the minimum required westerly side yard of 11.0m (36.09') has not been provided. The minimum required 9.0m (29.53') rear yard has not been indicated, however, appears to conform.
 5. Based on a gross floor area of 5521 sq.m., two hundred and thirteen (213) parking spaces and two (2) – 18.0m x 3.7m x 4.3m loading spaces are required. The two hundred and ten (210) parking spaces provided are insufficient and not dimensioned. Each space shall be at least 2.7m x 6.0m with same size maneuvering. The two (2) required loading spaces are not indicated on the site plan and shall conform to Section 18A.(32) and (33).

6. The landscaping requirements, as stated in Section 13A.(9), shall be complied with. No dimensions on the landscaping plan, however, appears to conform. Please refer to the definition of "Planting Strip" in Section 2 of the By-Law.
7. Along with the required area landscaped with a planting strip, a minimum 1.2m, maximum 2.0m visual barrier is required along the southerly rear yard abutting the residential district.
8. Markings on the surface of the parking area delineating the individual parking spaces and bumpers or wheel barriers are required.
9. No signage information submitted. Please refer to Section 13A.(1)(x) for business identification wall or roof signs
10. Committee of Adjustment decision A-88:235 permitted the shopping centre identification sign with a total sign area of 34.62m^2 , of that 15.89m^2 of the sign is permitted to be tenant identification instead of the maximum permitted 6m^2 .
11. Subject to demolition permit in the normal manner for the dwellings to be demolished.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code."

- The Community Planning and Development Division, Development Engineering Section advised of the following:

"With respect to your letter dated August 15, 2000, we advise that there are public watermains and combined sewers available to service the subject lands

According to our records the road allowance width of King Street is 20.12m and the road allowance width of Rosedale Avenue is approximately 16m. The Region also acquired a daylight triangle at the intersection shown as Part 2 on Reference Plan 62R-5884 by Instrument No. 223695CD. Therefore we do not anticipate any further road allowance widenings adjacent to the subject lands at this time.

In the absence of any details shown we advise that any works within the adjacent road allowances must conform to the respective Streets By-laws.

Further comments on required visibility triangles at the accesses, grading, landscaping and access will be submitted at the site plan application stage."

- The Traffic Engineering Section, Transportation, Operations and Environment Division advised of the following:

"We have no objections to the Official Plan Amendment or the proposed zoning changes. The applicant has submitted a preliminary site plan and should be advised that trucks must be able to maneuver back to King Street. This will require a minor radius improvement on the northwest corner of the food store."

- The Community Planning and Development Division, Land Development Department advised of the following:

"REGIONAL OFFICIAL PLAN

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

PROVINCIAL POLICY STATEMENT

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided provision is made to buffer (i.e. setbacks, landscaping, fencing , etc.) the adjacent existing residential uses from the proposed expanded commercial plaza."

- The Hamilton Region Conservation Authority has no comment or concern.

COMMENTS:

1. The proposal requires an Official Plan Amendment to redesignate the lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on APPENDIX "A", from "Residential" to "Commercial. There is no Approved Plan for the Bartonville Neighbourhood.
2. The proposal does require the extension of a commercial designation and zoning into a stable residential area. It should be noted that the dwellings on the west side of Rosedale Avenue (Nos. 24 to 40) would be facing a commercial development, as opposed to the current situation, where they face similar dwellings. However, the proposal would also result in overall improvements to the plaza and extensive buffering for the new building, which would benefit the community and offset impacts of the plaza expansion. Accordingly, the proposal does not represent an indiscriminate extension of a commercial use into a residential area and can be supported on the following basis:
 - The proposal would result in improvements to the visual amenity and general attractiveness of an Extended Commercial area by redeveloping an older commercial plaza (built approximately 20 years ago). The application is for a comprehensive upgrade, incorporating a number of improvements to the existing plaza and site, as outlined in the Background section of this report.
 - The proposal would result in improvements to the landscape buffer between the loading and access areas at the rear of the existing building and adjacent residential uses to the south. For example, the applicant has agreed to provide additional planting that will result in an improved vegetative buffer.
 - The proposal would incorporate a heavily landscaped buffer to the west and south of the proposed building to mitigate the impacts of the expansion on adjacent residential land uses.

- The proposal would result in a squaring off of the existing commercial site.
3. The proposal requires a variance to the "G-1" (Designed Shopping Centre) District regulations to allow a minimum westerly side yard width of 6.6 m, whereas the Zoning By-law requires a minimum side yard of 11.0 m. The variance can be supported on the basis that the side yard, although less than generally required, would be consistent with the required front yard setback for dwellings fronting onto Rosedale Avenue (e.g. 6.0 m). In addition, the side yard actually varies from 6.6 m to 8.4 m (7.5 m average). Also, as stated previously, the applicant has agreed to heavily landscape this area.

In addition, the following special provisions should be incorporated into the By-law:

- In order to limit the impact of the expansion, new vehicular accesses should be prohibited onto Rosedale Avenue from the subject lands.
- In order to ensure that signage for the new building does not create a negative visual impact on the adjacent residential land uses, the following types of signage should be prohibited:
 - Roof signs for the proposed new building;
 - Wall signs on the westerly and southerly elevations for the proposed new building; and,
 - Third party/billboard signs and ground signs on Block "1" .
- In order to ensure that significant green space will be provided within the southerly rear yard of the proposed retail drug store building, parking areas should not be permitted within this area and the area should be landscaped. Accordingly, the by-law should specify that the area is required to be landscaped. There should be an exception to allow one loading space and accessory maneuvering space, which is functionally required at the rear of the building.
- The Zoning By-law would permit a height of 3 storeys for the new drug store building. However, the proposed building is one storey in height and this should be included as a site specific height restriction in order to ensure that the height of the building is in keeping with the surrounding low density development.
- The Zoning By-law requires a minimum rear yard of 9.0 m for the new drug store building, however, the proposed rear yard is 10.9 m. This rear yard setback should also be incorporated into the By-law to ensure that additional buffering and greenspace are provided.
- The proposal includes a planting strip with a minimum width of approximately 3.2 m along the entire southerly rear lot line of Blocks "1" and "2". The 3.2 m width is an existing situation for the existing plaza (Block "2") and the width varies from 10.9 m to 3.2 for the expansion (Block "1"). The Zoning by-law normally requires a minimum width of 1.5 m. However, there are grade differences (e.g. the plaza is at a higher elevation than adjacent residential properties) that make buffering difficult. The increased width of the landscape area will assist in providing a more effective buffer. In addition, significant green space should be provided to buffer existing

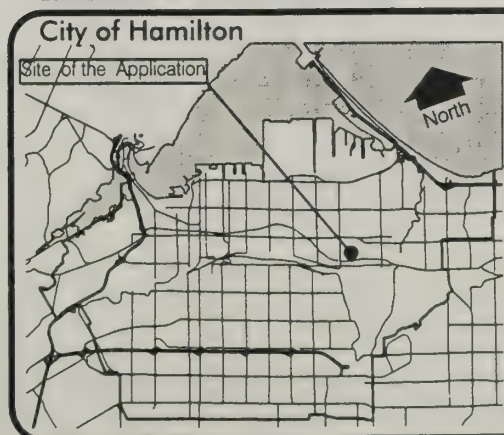
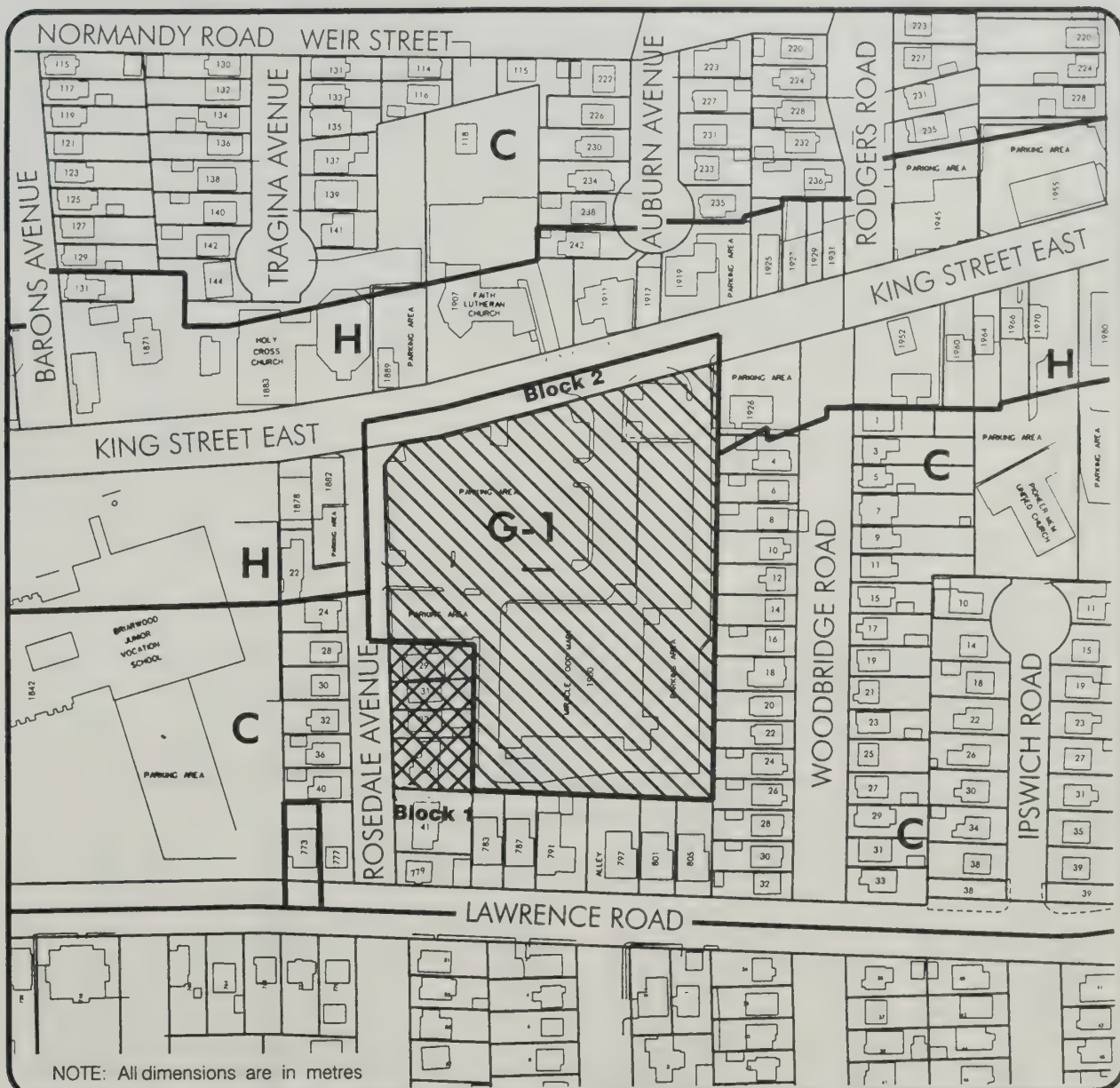
residents from the expansion. Accordingly, a minimum width of 3.0 m should be incorporated into the By-law.

- To ensure that the improved landscaping proposed along King Street and Rosedale Avenue is implemented, the by-law should require a landscaped area having a minimum average width of 2.0 m, but not less than 1.0 m, along the entire street line of Rosedale Avenue and King Street East, except for the area used for access driveways.
 - As indicated, the proposal includes significant landscaping in the westerly side yard of the proposed building to serve as a visual buffer. Accordingly, the By-law should require a minimum 6.6 m wide landscaped area within the westerly side yard of the proposed new building.
4. The Building Department comments (no. 5.) indicated that the proposed 210 parking spaces would not meet the parking requirement of 213 spaces. However, this matter has been addressed by the revised plan, which accommodates 227 parking spaces.
 5. The subject lands are under Site Plan Control. Accordingly, matters such as grading, parking, maneuvering, loading, landscaping and buffering, building elevations, etc., will be further reviewed at the Site Plan stage of development. The applicant should be advised that all the features mentioned in the Background section of this report should be incorporated into the Site Plan submission. The applicant should also ensure that the comments of the Traffic Engineering Section, respecting trucks maneuvering back to King Street, are addressed.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Community Planning and Development Division

Location Map

Legend

Block 1



Change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, Modified.

Block 2



Modification to the "G-1" (Designed Shopping Centre) District, Regulations.

Reference File No.

ZAC-00-27

Scale

NOT TO SCALE

Date

August, 2000

Drawn By

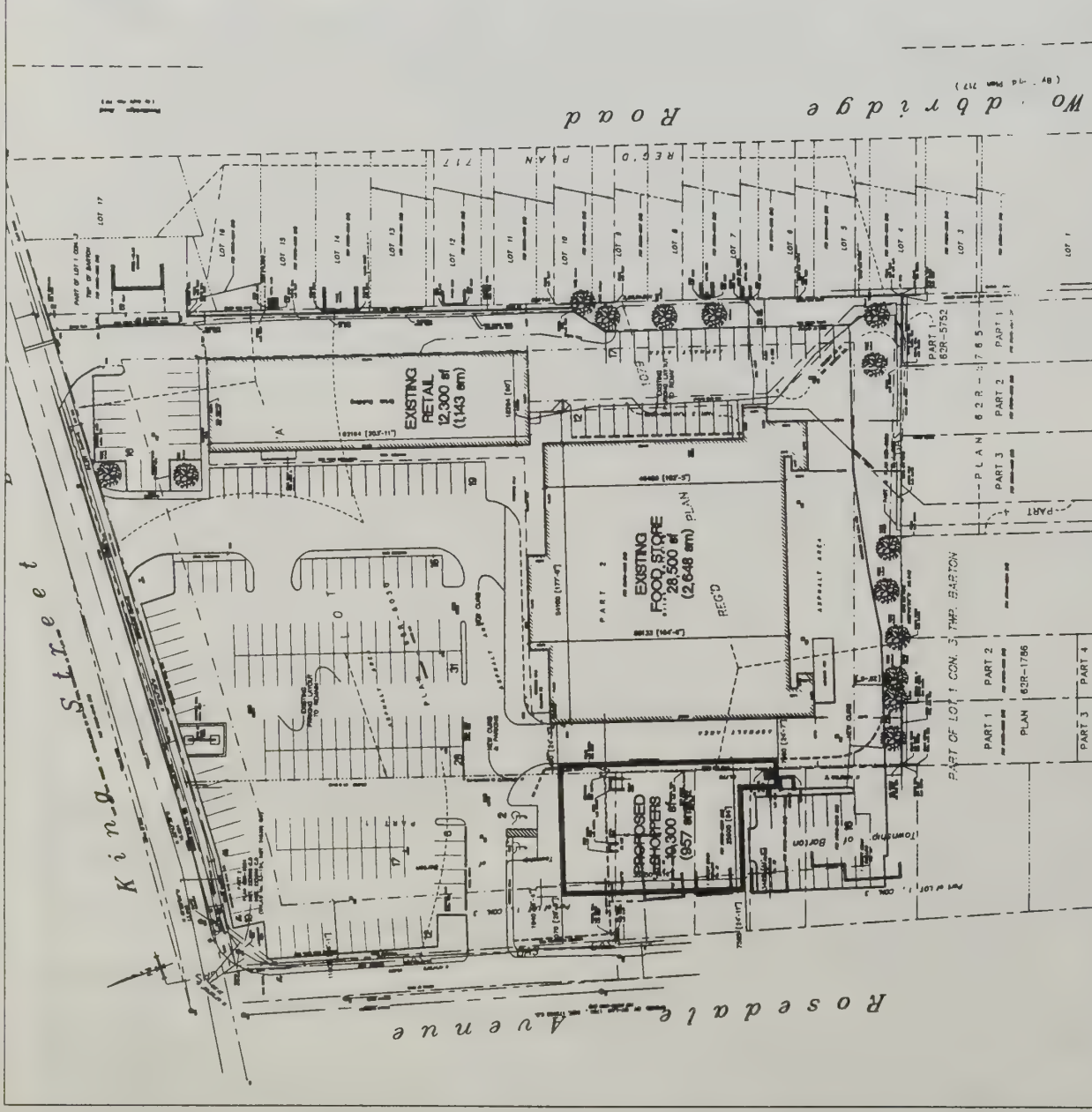
L.M.

APPENDIX "A"

NOTES: 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

NO.	DATE	REVISION AND DESCRIPTION
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SITE INFORMATION	
EXISTING FOOD STORE	28,300 sf (2,648 sm)
PROPOSED SHOPPERS DRUG MART	10,300 sf (957 sm)
EXISTING RETAIL	12,300 sf (1,143 sm)
TOTAL AREA	51,000 sf (4,747 sm)
PARKING	450sm up to 3,700sm / 39sm - 80 spaces
	3,700sm up to 4,747sm / 17sm - 82 spaces
REQUIRED SPACES	82 spaces
PROPOSED SPACES	270 spaces



1 SITE PLAN
SP-1 SCALE: 1:400

Stone Kohn McGuire Vogt
Architects
115 King Street East
Hamilton, Ontario
L8N 1K5
416-520-0834 Fax

KINGROSE PLAZA
Original Expansion
1900 King Street East
Hamilton, Ontario
L8N 1K5
416-520-0834 Fax

SITE PLAN
UP
HV

SP-1

1. SITE PLAN
2. FLOOR PLAN
3. SECTION
4. ELEVATION
5. DETAIL
6. OTHER

NO.	DATE	REVISIONS AND DESCRIPTIONS
1		
2		
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Stone Kohn McQuire Vogt
Architects
118 Appleton Avenue
Hamilton, Ontario
N8Y 2L1
Tel: (519) 241-1111
Fax: (519) 241-1112

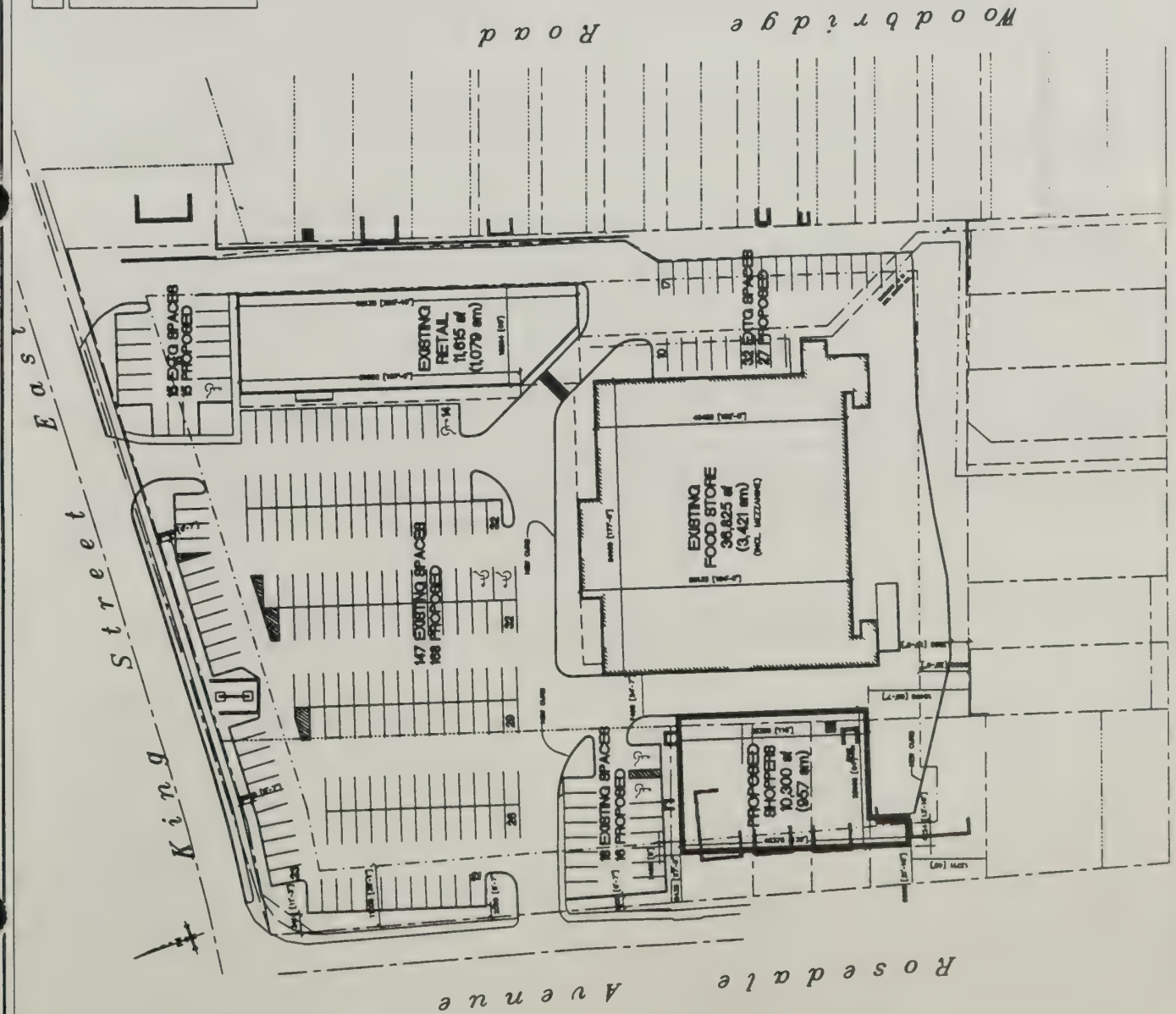
KINGROSE PLAZA
Outparcel Expansion
1900 King Street East
Hamilton, Ontario

SITE PLAN

Scale: 1" = 100'
Date: 1/28/88
Sheet: SP-1

SITE INFORMATION

EXISTING FOOD STORE	36,825 sf (3,421 sm)
PROPOSED SHOPPERS DRUG MART	10,300 sf (957 sm)
EXISTING RETAIL TO REMAIN	11,615 sf (1,079 sm)
TOTAL AREA	58,740 sf (5,457 sm)
PARKING	450sm up to 3,700sm / 31sm = 105 spaces
	3,700sm up to 5,457sm / 17sm = 104 spaces
-REQUIRED SPACES	200 spaces
-PROPOSED SPACES	226 spaces



APPENDIX "C"

2.1.1
Rec'd Oct 19, 2000

Secretary, Planning and Development Committee
City of Hamilton, City Hall,
71 Main Street West
Hamilton, Ontario L8P 4Y5

To Whom It May Concern:

There are a number of reasons why we object to the proposed expansion by Lindlaw Management Services at 1900 King Street East in Hamilton.

Our main concern is the highly probable devaluation of our property and the quality of life we presently enjoy at 41 Rosedale ave. At present there are five homes on the west side of Rosedale Avenue between King and Lawrence Avenues. After four houses are leveled for expansion our home will be the only one remaining on the west side of the street. We will obviously stick out like a sore thumb. We will also lose the four house buffer between us and the existing mall. We will now be adjacent to a Barn Supermarket in a expanded mall and parking lot which will create more traffic and noise for us. It's going to affect our quality of life and the value of our property.

When we look out our kitchen window we see our neighbours backyards, trees, flowers and bushes. According to the last site plan we looked at, all we're going to see now is the back end of Big "V"'s two story masonry building. We are losing an esthetic view and being hemmed in by an existing brick building and now a masonry block building. To add insult to injury we have to watch our neighbours homes being demolished after spending most of lives living here.

We have always felt safe being surrounded by neighbours and their homes. Living next to a mall and parking lot were going to lose our sense of security and there's the possibility of young kids or gangs hanging out next to our home.

Any Barn Fruit Market that I've seen has created additional traffic. It's extremely difficult trying to back out of our driveway now. We are only 30 feet from the corner of Lawrence Avenue and you cant see approaching traffic because of the houses on both corners. Vehicles turning onto Rosedale are constantly trying to beat the light at that corner which create some close calls, then you have to look north on Rosedale to watch for traffic coming from King St. and the mall. Expansion of the mall will only compound this problem.

We have been in this location for over 40 years and at ages 65 and 63 we had planned on retiring shortly and spending our remaining years at this location. With this proposed expansion we are being forced into a difficult situation. We don't want to move, then again we don't want to spend our remaining years living under these conditions. Can we find similar living accommodations and lot size without losing a considerable amount of money? I don't think so. If expansion is approved our home will drop in value and make it difficult for us to sell in the future. We didn't ask for these conditions, why should we be put in this position?

Of all the properties influenced by this expansion proposal **we are the most affected** and stand to lose the most. The wife and I hope you will give careful consideration to our problems.

Sincerely

Ed Bullough
Myrna Bullough

Ed and Myrna Bullough
41 Rosedale Avenue
Hamilton, Ontario
L8K 4M8
Tel. 549-9772

2.1.2

10 Lydia Street
Hamilton, ON L8K 3B9

October 18, 2000

Tina Agnello
Secretary
Planning and Development Committee
City of Hamilton
71 Main St. W., 2nd Floor
Hamilton, ON L8P 4Y5

Dear Ms. Agnello:

RE: Official Plan Amendment and Rezoning – Rosedale Plaza


I am writing to you to have my concerns regarding this rezoning and Official Plan Amendment recorded. As I will be out of the country on the date of the public meeting, would you please ensure that this letter is part of the public record regarding this application? My concerns with the application are as follows:

1. The existing plaza has very little landscaping. There are minimal buffers between the parking area and the street. What landscaping is there is poorly maintained. I understand that the changes proposed under this rezoning would improve the landscaping in this area and I support improving the landscaping. However, the plaza owners must provide adequate landscaping and separation (minimum of 2.0 metres) between the street and the sidewalk and it must be more than what is done now: rocks embedded in concrete and some dwarf evergreens.
2. I also believe that there must be improved landscaping between the existing homes and the plaza. One area of the plaza (the southwest portion adjacent to Rosedale Avenue) has no landscaping between the parking area and the fence for the house. This should not be continued.
3. The new drug store building on the site will have its entrances into the plaza parking lot. This will leave the homes on the west side of Rosedale Avenue facing the sidewall of the drugstore. I do not believe that homes that have been in this area for decades should have a blank wall of a one-storey building imposed on them. There must be adequate landscaping and architectural treatment to ensure that this façade and the yard adjacent to it do not look like a blank wall or become an unsightly area.
4. The existing plaza has minimal pedestrian walking areas from Rosedale Avenue and King Street to the stores. Every day residents access this plaza by walking and there needs to be an access from both streets to the stores for pedestrians.

- The existing plaza has none of this and pedestrians are forced to walk through the parking lot or the driveways. The design of the site should improve this.
5. I understand that the rezoning and Official Plan Amendment are recommended without the condition of site plan control being completed. I would like to suggest that the site plan application be completed prior to the rezoning being finalized. This would allow residents, including myself, some certainty that their issues are being addressed. I understand that some of these points are being taken into consideration for the site plan application; however, I believe that the issues identified in this letter should be incorporated into the final plan. The only way I know to do that is to pass the rezoning by-law when the site plan is completed.

Last, should the rezoning and Official Plan Amendment be adopted, would you please inform me in writing? Thank you.

Yours truly,


Mary Lou Tanner

CITY OF HAMILTON

2.2

- RECOMMENDATION -

DATE: 2000 October 12
ZAC-00-30
Homeside Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning and modification in zoning – 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue (PDC00173)

RECOMMENDATION:

That approval be given to amended **Zoning Application 00- 30, East Hamilton Radio (c/o Ron Taillon), owner,** for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified (Block "1") and a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit the expansion of the existing commercial retail establishment including additional parking, for the property located at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" of the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, be modified for Blocks "1" and "2", as follows:
 - (i) notwithstanding Section 14. (3) (ii) of Zoning By-law No. 6593, a minimum side yard setback of 3.25 m shall be provided and maintained along the easterly lot line of Block "1";
 - (ii) notwithstanding Section 14. (3) (iii) of Zoning By-law No. 6593, a minimum rear yard setback of 5.0 m shall be provided and maintained along Harrison Avenue;
 - (iii) notwithstanding Section 18A. (1)(d) of Zoning By-law No. 6593, a 9.0m x 3.7m x 4.3m loading space shall be provided and maintained;

- (iv) notwithstanding Section 18A. (10),(32)&(33) of Zoning By-law No. 6593 the required manoeuvring space for the loading space will be within the access driveway and infringe upon the required manoeuvring space of three (3) parking spaces adjacent to the principle building; and,
 - (v) a minimum 3.25 m wide landscape area and a 1.8 m minimum to 2.0 m maximum high visual barrier shall be provided and maintained along the easterly lot line of Block "1";
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-63 be notated S- ;
 - (d) That Corporate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-63, for presentation to City Council;
 - (e) That this proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - (f) That the subject lands be redesignated on the approved Homeside Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

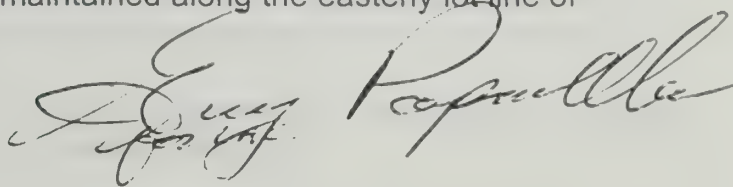
The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, (Block "1") and a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), for the property located at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the expansion of the existing commercial retail establishment including additional parking.

In addition, the By-law provides for the following variances as special requirements:

- Requires a minimum easterly side yard setback of 3.25 m for Block "1";
- Requires a minimum northerly rear yard setback of 5.0 m along Harrison Avenue;
- Permits a 9.0m x 3.7m x 4.3m loading space whereas a 18.0m x 3.7 m x 4.3 m loading space is required;
- Allows the required manoeuvring space for the loading space to be within the access driveway and infringe upon the required manoeuvring space of three (3) parking spaces adjacent to the principle building;

- Requires a minimum 3.25 m wide landscape area and a 1.8 m to 2.0 m high visual barrier to be provided and maintained along the easterly lot line of Block "1".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant has proposed a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, (Block "1") and a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit the expansion of the existing commercial retail establishment along Kenilworth including additional parking along Barton Street East, for the property located at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, as shown on the attached map marked as APPENDIX "A".

The proposal requires the demolition of two (2) former residential buildings along Barton Street East currently used by East Hamilton Radio and two (2) vacant residential dwellings along Kenilworth Avenue. A preliminary site plan has been submitted with the application (see Appendix "B"). The existing store will be expanded by adding a 731.0 m² (7,868.70 S.F.) addition to the north end of the existing building with a new parking area along Barton Street East consisting of thirty-eight (38) parking spaces with landscaping along the Barton Street East, Harrison Avenue and next to the residential uses.

APPLICANT:

East Hamilton Radio (c/o Ron Taillon), Owner.

LOT SIZE AND AREA:

Irregular with:

- 92.71m (304.1 ft.) of lot frontage on Barton Street East;
- 60.97m (200.0 ft.) of lot frontage on Kenilworth Avenue North;
- 54.27m (200.0 ft.) of lot frontage on Harrison Avenue; and,
- 3,531.00 m² (38,008.61 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS:</u>	Commercial Vacant Residential	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
<u>SURROUNDING LAND:</u>		
To the north	Commercial and Single Family Dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
To the south	Commercial	"H" (Community Shopping and Commercial, etc.) District and "H" (Community Shopping and Commercial, etc.) District, Modified
To the east	Single Family Dwellings and Institutional	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District
To the west	Commercial - Centre Mall	"G-2" (Regional Shopping Centres) District

OFFICIAL PLAN:

The lands are designated "EXTENDED COMMERCIAL" on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "A. 2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".
- A.2.2.22 Council will endeavor to maintain or improve the visual amenity and general attractiveness of Extended Commercial areas, and, in doing, will:
- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial development in the area;

- ii) Encourage the relocation of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial Uses to maximize the retail concentration;
- iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses;
- iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks. Appropriate landscaping and street furniture to encourage pedestrian movement and improve the shopping environment;"

General Provisions

"A.2.2.35 Where Commercial Uses are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.40 Where possible, loading facilities and parking spaces for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The approved Homeside Neighbourhood Plan designates Block "1" of the subject lands, "Single and Double Residential" and Block "2" "Commercial". If the proposal is approved, a redesignation from "Single and Double Residential" to "Commercial" for Block "1" is required to reflect the long term use of the property.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comments:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.

- The Regional Environment Department advised that:

"With respect to your letter dated August 30, 2000, we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of this section of Barton Street is 26.21m. In accordance with this designation, we will require as a condition of development/site plan approval that a 3.048m road widening be dedicated to the Region for road widening purposes. This road widening will exclude the lands currently occupied by the existing building at the northeast corner of Barton Street and Kenilworth Avenue at this time. The widening must also include the daylight triangle at intersection not occupied by the existing building.

The applicant should be advised that at such time as these lands develop/redevelop or at such time as the building is removed at the corner that the Region will require the dedication of the remaining 3.048m road allowance widening on Barton Street. We will also require the dedication of a 7.5m by 7.5m daylight triangle taken from the widened limits of Barton Street and Kenilworth Avenue. These road widenings must be dedicated free and clear of encumbrances.

We recommend that all objects and mature vegetation, excluding high canopy deciduous trees, within the 3.048m road widening and the remaining 2m landscape strip on private property be no higher than 0.60m above the corresponding perpendicular centreline elevation of Barton Street. The preliminary plans submitted by the applicant/owner should be revised accordingly. The placement of any objects within the adjacent road allowances, other than sod or annual flowers requires an Encroachment Agreement with the Region.

All fences must be setback a minimum of 3.0m from the widened road allowance limits of Barton Street.

Any other works within the adjacent road allowances must conform to respective Streets By-laws."

- The Land Development Department, Community Planning and Development Division (Region) advised that:

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

Policy D-6.1 "Secondary/Neighbourhood Plans", in the HWOP is applicable, and states in part the following:

"Regional approval for subdivisions, conveyances of land or other forms of development will be given only if the proposal is in conformity with the relevant Area Municipal Official Plan, secondary plans and the policies of this Plan".

Therefore, provided the proposal conforms to the City of Hamilton Official Plan and/or the secondary plan for this area, the proposal does not conflict with the intent of the HWOP.

In addition, since there are existing residential uses adjacent to the subject lands to the north, and to the east of the proposed addition, provision should be made to satisfactorily buffer (i.e. setbacks, fencing, landscaping, etc.) these residential uses from the proposed development.

PROVINCIAL POLICY STATEMENT

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The falls within the parameters of the PPS."

- The Building Department has advised the following:
 1. Barton Street has previously been established as the front yard and these comments are based on this and proposed use to be a retail store. Please note that the maximum permitted storage of the goods to be sold on the premises is 25% of the gross floor area. (No floor plans submitted)
 2. Lot 62 on the plan is in a 'C' District and does not permit commercial uses and this parcel is situated in two districts and the use must be permitted in both districts.
 3. A planting strip (as defined) is required along the entire side lot lines adjoining the residential district.
 4. The parking area adjacent to the streetline having a landscaped area having an average width of 2.0m, but not less than 1.0m in width, has not been provided along the streetline.
 5. Parking and loading requirements are based on gross floor area and not building area. These parking and loading calculations are based on the addition being one storey and the gross floor area being the same as the building area. Otherwise, the required parking and loading will change.

Required Parking:	42 spaces
Required Loading:	1 – 18.0m x 3.7m x 4.3m
 6. Only thirty-two (32) parking spaces are proposed. Please note that the 45° parking spaces are not properly delineated on the plan, however, it appears that there is sufficient space to accommodate the angle proposed.
 7. The minimum required 18.0m x 3.7m x 4.3m loading space has not been provided on site and must conform to Section 18A.(32) & (33). It does not appear that the loading space can be provided.

8. A visual barrier, minimum 1.2m, maximum 2.0m, is required along the entire side lot lines between the parking area and the abutting residential district.
9. The parking layout, as shown, requires a separate ingress and a separate egress driveway each operating in a one-way direction and in opposite direction of each other. The vehicles are not permitted to use the road allowance for manoeuvring. This may prohibit access to the loading area.
10. Markings on the surface of the parking area delineating the separate parking spaces and the one-way direction of the access driveways, and bumpers or wheel barriers to prevent encroachment beyond the parking area is required.
11. The parking and loading areas shall be graded, drained and paved.
12. No signage information submitted.
13. An encroachment agreement may be required for the existing building shown to encroach onto the road allowance. Please note that the eaves and footings cannot encroach over the road allowance for the new addition.
14. Subject to Site Plan application and a building permit application in the normal manner.
15. Demolition permits are required to demolish the existing dwellings in the normal manner."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The approved Homeside Neighbourhood Plan designates Block "1" of the subject lands as "Single and Double Residential" and Block "2" "Commercial". If approved a redesignation from "Single and Double Residential" to "Commercial" is required for Block "1".
3. The proposal has merit and can be supported for the following reasons:
 - It complies with the intent of the Official Plan;
 - It is appropriately located at the intersection of two arterial roads (Barton Street East and Kenilworth Avenue North) at the periphery of the Homeside Neighbourhood;
 - It will maintain and enhance the commercial frontage along Barton Street East and Kenilworth Avenue while providing adequate parking and loading spaces on site; and,
 - The proposed use is consistent and compatible with established development in the surrounding area.

4. The Building Department has reviewed a preliminary site plan for the proposal and has advised the development will require the following variance and special requirements (see Appendix "B"):

Loading Space

Notwithstanding Section 18A. (1)(d) of Zoning By-law No. 6593, a 9.0m x 3.7m x 4.3m loading space has been proposed whereas 18.0m x 3.7m x 4.3m loading space is required.

Furthermore, notwithstanding Section 18A. (32)&(33) of Zoning By-law No. 6593 the required loading space will be within the access driveway and infringe upon the required manoeuvring space of three (3) parking spaces adjacent to the principle building.

The Traffic Department has reviewed the preliminary site plan and has advised that they support the above-mentioned variances as requested.

Yard Setback and Landscape Area

The preliminary site plan shows a rear yard setback of 5.0 m minimum along Harrison Avenue and a minimum easterly side yard setback of 3.25 m for Block "1" next to the residential district. Furthermore, the yards created by the proposed setback will be developed as landscape areas with visual barriers next to the adjacent residential uses.

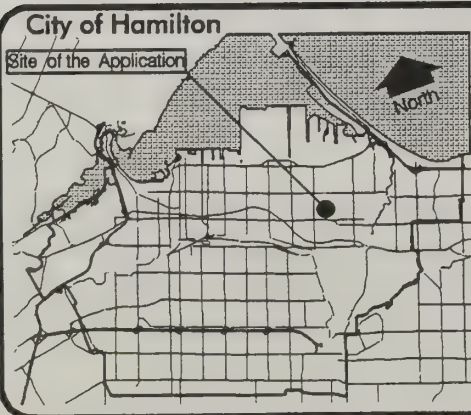
As proposed, it is recommend that these yards, landscape areas and fencing be provided as special requirements that will serve to enhance the Harrison Avenue frontage, buffer the expanded commercial development from the adjacent established residential use, thus providing an improved transition between the existing commercial development and the adjacent residential district to the east.

In all other respects the proposed development will comply with the general provision of the zoning by-law (i.e. minimum parking spaces, planting strips next to residential, paving, etc.). It should be noted that the preliminary site plan submitted with the application indicates that the development will provide more than the minimum 2.0 m average planting strip along Barton Street East front lot line next to the proposed parking area.

5. It should be noted that the "H" (Community Shopping and Commercial, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Thus, matters related to access, landscaping, grading, fencing, lighting, etc. will be further reviewed at the Site Plan Control stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.



Community Planning and Development Division

Location Map

Legend

BLOCK 1



For a Change in Zoning From "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District Modified

BLOCK 2



Modification to the Established "H" (Community Shopping and Commercial, etc.) District

Reference File No.

ZAC-00-30

Scale

NOT TO SCALE

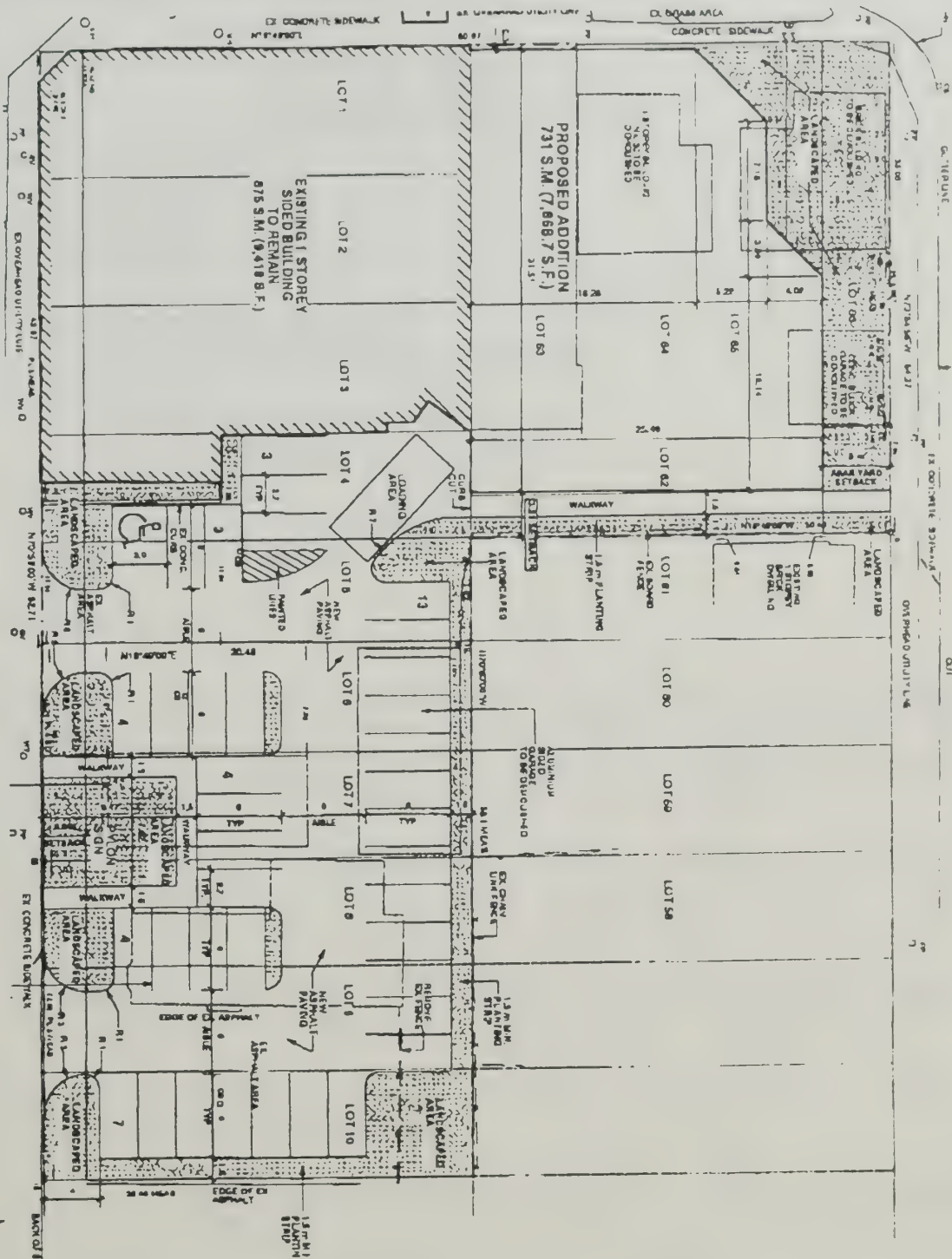
Date

August, 2000

Drawn By

L. M.

APPENDIX 'A'



NOTES:

1. ALL DIMENSIONS ARE IN METERS.
2. THE PROPOSED ADDITION IS TO BE CONSTRUCTED ON LOT 1.
3. THE EXISTING BUILDING IS TO REMAIN.
4. THE PROPOSED ADDITION IS TO BE 1.5 METERS HIGH.
5. THE PROPOSED ADDITION IS TO BE 1.5 METERS WIDE.
6. THE PROPOSED ADDITION IS TO BE 1.5 METERS DEEP.
7. THE PROPOSED ADDITION IS TO BE 1.5 METERS LONG.
8. THE PROPOSED ADDITION IS TO BE 1.5 METERS TALL.
9. THE PROPOSED ADDITION IS TO BE 1.5 METERS WIDE.
10. THE PROPOSED ADDITION IS TO BE 1.5 METERS DEEP.
11. THE PROPOSED ADDITION IS TO BE 1.5 METERS LONG.
12. THE PROPOSED ADDITION IS TO BE 1.5 METERS TALL.
13. THE PROPOSED ADDITION IS TO BE 1.5 METERS WIDE.
14. THE PROPOSED ADDITION IS TO BE 1.5 METERS DEEP.
15. THE PROPOSED ADDITION IS TO BE 1.5 METERS LONG.
16. THE PROPOSED ADDITION IS TO BE 1.5 METERS TALL.
17. THE PROPOSED ADDITION IS TO BE 1.5 METERS WIDE.
18. THE PROPOSED ADDITION IS TO BE 1.5 METERS DEEP.
19. THE PROPOSED ADDITION IS TO BE 1.5 METERS LONG.
20. THE PROPOSED ADDITION IS TO BE 1.5 METERS TALL.

TARBUTT

1234567890

PROPOSED ADDITION TO

EAST HAMILTON RADIO

1234567890

JACKSON

1234567890

NOTE PLAT

1234567890

AI 9944

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: October 10, 2000
ZAR-00-31
Nashdale Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a modification in zoning for lands located at 398 Kenora Avenue (PDC00172)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-00-31, by D.M. Industries Incorporated, owner, for a modification to the established "KK" (Restricted Heavy Industrial) District to permit a bingo hall for lands located at 398 Kenora Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "KK" (Restricted Heavy Industrial) District provisions, as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance, as special requirements:
- (i) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "KK" – 'H' (Restricted Heavy Industrial - Holding) District;
 - (ii) That notwithstanding Section 17A.(1) of Zoning By-law No. 6593, the following use shall be permitted:
 - 1) a bingo hall within the building at the time of the passing of the by-law; and,
 - (iii) That in addition to the requirements of Section 17A. of Zoning By-law No. 6593, where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways;
 - (iv) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:

- a) the owner has applied for and received final approval for a site plan control applicationl.

City Council may remove the 'H' symbol, and thereby give effect to the "KK" (Restricted Heavy Industrial) District, as amended by the special requirements of Section (a)(ii) and (a)(iii), as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;

- (b) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-103 be notated as S- ;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A"; and,
- (f) That the Corporate Counsel be directed and authorized to prepare a By-law to amend By-law 79-275, as amended by By-law 87-233, to place the subject lands under Site Plan Control.

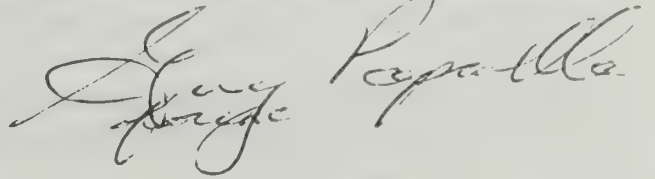
EXPLANATORY NOTE:

The purpose of the proposed by-law is for a modification to the established "KK" (Restricted Heavy Industrial) District zoning for lands located at 398 Kenora Avenue, as shown on the attached map.

The effect of the proposed modification in zoning is to permit the use of the existing building for a bingo hall. In addition, the By-law requires that where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "KK" District zoning. The holding provisions will prohibit development of the subject lands until the following condition is fulfilled:

- a) the owner applying for and receiving final approval for a site plan control application.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for lands located at 398 Kenora Avenue, for a modification in zoning to permit the use the subject lands for a bingo hall (see APPENDIX "A"). The applicant is proposing to-relocate an existing bingo business from Battlefield Square in the City of Stoney Creek to the subject lands.

The applicant is proposing to renovate the existing industrial building into a bingo hall and has provided a conceptual site plan showing 143 parking spaces and 1 loading space (see APPENDIX "B").

Under the provisions of Zoning By-law No. 6593, a bingo hall is considered to be a "public hall". A public hall is not permitted in the "KK" District but is permitted in the following zoning districts:

- "G-2" (Regional Shopping Centre) District;
- "HH" (Restricted Community Shopping and Commercial) District;
- "I" (Central Business District, etc.) District;
- "J" (Light and Limited Heavy Industry, etc.) District; and
- "K" (Heavy Industry) District.

The Nashdale Neighbourhood is zoned "JJ" District, "K" District, "KK" District and "HH" District. As such, a bingo hall would be permitted in the Nashdale Neighbourhood on those lands zoned "HH" District and "K" District.

APPLICANT:

D.M. Industries Incorporated, owner.

LOT SIZE AND AREA:

The subject lands are rectangular in shape and have:

- 87 m of frontage along Kenora Avenue;
- 85 m of frontage of Bancroft Street; and
- a lot area of 7,395 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Industrial	"KK" (Restricted Heavy Industrial) District
<u>Surrounding Land Use</u>		
To the north	Industrial	"KK" (Restricted Heavy Industrial) District
To the south	Industrial	"KK" (Restricted Heavy Industrial) District
To the east	Industrial	"KK" (Restricted Heavy Industrial) District
To the west	Industrial	"KK" (Restricted Heavy Industrial) District

OFFICIAL PLAN:

The lands are designated **Industrial** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan and that the subject lands about the Hazard Lands designation on Schedule 'C' – Hazard Lands. A bingo hall is a permitted use within the Industrial designation. However, in accordance with Subsection A.3.1 of the Official Plan, comments from the Hamilton Region Conservation Authority (HRCA) are required for development on or adjacent to the Hazard Lands designation.

As the HRCA have advised that they have no comment or objection to the proposal, then the proposed modification in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located in the Nashdale Neighbourhood. There is no approved Neighbourhood Plan for the Nashdale Neighbourhood.

COMMENTS RECEIVED:

- The Traffic Division have advised of the following:

"Please be advised that we have reviewed this application and have no objections concerning the proposed zoning change, subject to the applicant providing the required parking and loading spaces."
- The Development Engineering Section, Land Development Department have advised of the following:

"There are public watermain and separate storm and sanitary sewers available to service the subject lands.

According to our records, the City acquired a daylight radius road widening at the south-east corner of Kenora Avenue and Bancroft Street and the preliminary site plan should be revised to correct property lines.

We recommend that 5m by 5m visibility triangles be provided between the access and the road allowance limits in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the adjacent streets.

Any other works within the adjacent road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department have advised of the following:
 1. Our records indicate that the last recognized use is a warehouse with offices. The proposed bingo hall is not permitted in the "KK" District.
 2. No signage information submitted, and shall conform to Section 17A.(1)(d).
 3. Required parking for the proposed bingo hall shall be based on one (1) space per six (6) persons who may be lawfully accommodated. The number of persons whom may be lawfully accommodated has not been submitted to determine the required parking.
 4. Our records indicate the existing gross floor area of the building is 1755.81m² (18,900 sq.ft.) plus a mezzanine. Please confirm total gross floor area including the mezzanine.
 5. The required loading spaces are based on gross floor area (including mezzanine). Unable to determine the required loading spaces as insufficient information was submitted.

6. No site plan submitted to determine if the parking and loading space requirements can be complied with.
 7. Parking area, loading area and access driveway shall be graded, drained and paved, markings on the surface of the parking area delineating the separate parking spaces, and bumpers or wheel barriers are required in accordance with Section 18A. of the By-law.
 8. The use and operation of a bingo hall business is subject to the issuance and maintenance of a municipal licence from this Department and is subject to the issuance of a building permit in the normal matter.
 9. The designer shall ensure that the fire access route conforms to the Ontario Building Code."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed modification in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan;
 - ii) the proposal is an adaptive reuse of the existing industrial building; and,
 - iii) it would be compatible with the abutting industrial uses in that a bingo hall is permitted as-of-right on those lands in the Nashdale Neighbourhood that are zoned "HH" and "K" District.

3. The applicant is proposing to relocate the existing bingo hall business from Battlefield Square to the subject lands. The applicant has attempted to secure a suitable site already zoned to permit a "public hall" (i.e. "G-2", "HH", "I", "J" or "K" District) but has been unsuccessful.

It is noted that there are lands within the Nashdale Neighbourhood zoned "K" District and "HH" District which would permit a bingo hall but that due to operational considerations these sites are either not available or do not provide adequate parking.

4. As a bingo hall is considered to be a commercial use, it is appropriate to require that a landscaped planting strip be provided along the street line of the subject lands in accordance with the landscape requirements for commercial uses in the Zoning By-law. Specifically, the Zoning By-law requires that for commercial uses where any parking space or manoeuvring space is adjacent to a street line, then a landscaped area having a minimum average width of 2.0 metres, but not less than

landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.

5. In response to the Building Department's comments, the applicant has provided a more detailed conceptual site plan. The revised plan shows 143 parking spaces and 1 loading space.

The loading space has been provided to ensure conformity with the loading requirements of the Section 18A of the Zoning By-law. Specifically, based on the size of the existing building (1,755 m²), 1 loading space (18.0m x 3.7m x 4.3m in size) will be provided.

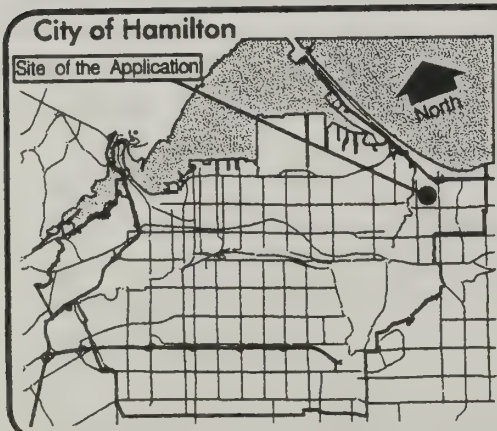
Using the parking ratio of 1 space per 6 people, a total of 8 people could be accommodated within the existing building based on the 14 proposed parking spaces. However, the applicant has advised that although a maximum of 350-400 people will be in the bingo hall at any one point in time, their anticipated parking demand exceeds Zoning By-law requirements.

6. The "KK" District is not subject to Site Plan Control. As the proposed use is considered to be a commercial use, it is appropriate that the subject lands be placed under site plan control so that matters such as landscaping, grading, access, parking, loading, etc., can be further reviewed.

However, unless the applicant proposes changes to the building that would fall within the definition of "development" under Section 41 of the Planning Act, a site plan application may not be required prior to the use of the subject lands for a bingo hall. Therefore, it is appropriate to place the subject lands in a holding zone until such time as the owner applies for and receives final approval for a site plan control application. This is to ensure that matters such as grading, landscaping, and fencing have been approved prior to the use of the subject lands for a bingo hall and parking.

CONCLUSION:

Based on the foregoing, the application can be supported.



Community Planning and Development Division

Location Map

Legend



Modification to the established KK
(Restricted Heavy Industrial) District
to permit a Bingo Hall

Reference File No.

ZAR-00-31

Scale

NOT TO SCALE

Date

SEPT., 2000

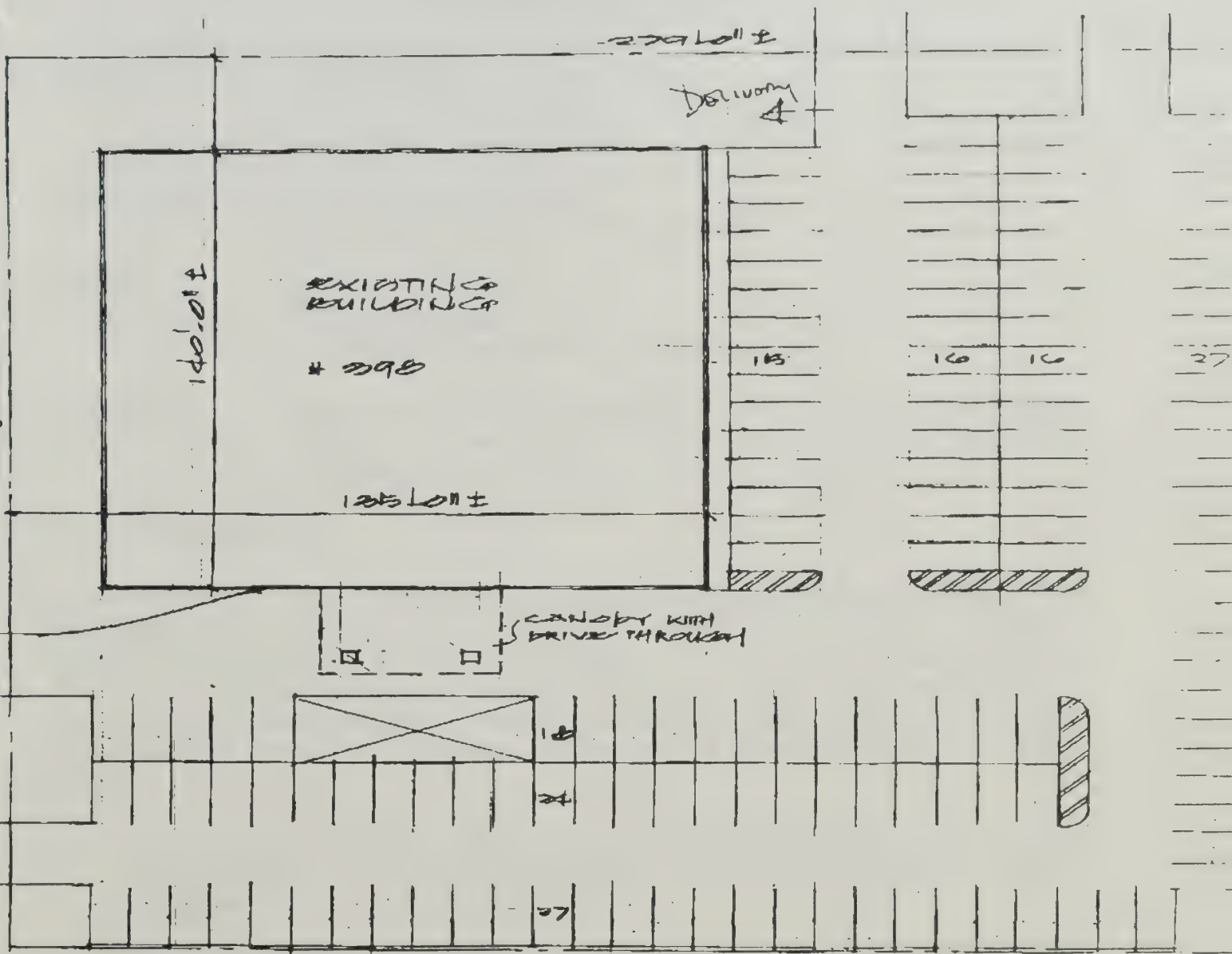
Drawn By

B. B.

APPENDIX "A"

BANCROFT STREET

Kenora
155'±



SITE PLAN
1" = 20'±



TYMOSHUK & TYMOSHUK - ARCHITECT
HAMILTON, ONTARIO

LOW!
143 CARS
MAY REQUIRE SOME
SERVICE BAYS FOR
DELIVERIES ETC.
YOU ONLY REQUIRE
APPROX 100'±

FAX 331-7094

2.4

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 2000 October 12
ZAC-00-22 (ZAC-96-03)
Landsdale Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Request for further modification to the "DE-3" (Multiple Dwellings) District, modified for lands located at No. 475 Main Street East. (PDC00167)

RECOMMENDATION:

That approval be given to **amended Zoning Application ZAC-00-22, Atrium Villa Holdings, owner**, for a further modification to the "DE-3" (Multiple Dwellings) District to permit the construction of a two (2) storey addition above the existing rear wing of the "Seniors Residential Care Facility" and an increase in number of residents from ninety-four (94) to one hundred and thirty-five (135) persons, for lands located at No. 475 Main Street East, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "DE-3 (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law 6593, as amended by By-law 96-108, be further modified as follows:
- (i) That Section 2.(a) of Zoning By-law 96-108 be repealed in its entirety and replaced with the following:
- "2.(a) notwithstanding Section 10C. (1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":
- (i) a Senior Citizens Residential Care Facility for the accommodation of a maximum of one hundred and thirty-five (135) residents;
- (ii) a hair salon only in conjunction with a Senior Citizens Residential Care Facility;
- (iii) for the purposes of this By-law, a "Senior Citizens Residential Care Facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;"

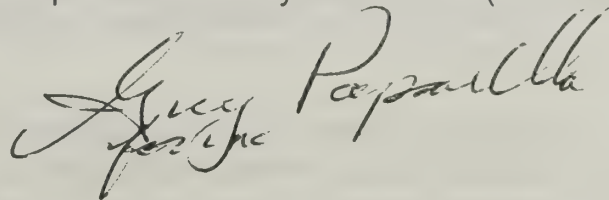
- (ii) That Section 2. (c) of Zoning By-law 96-108 be repealed in its entirety and replaced with the following:
 - "2.(c) notwithstanding Sections 10C (2) and 10(5) of Zoning By-law No. 6593, the maximum height and gross floor area of the "Senior Citizens Residential Care Facility" shall not exceed five (5) storeys and 6,980.0 m² (75,134.55 S.F.);"
- (iii) That Section 2. of Zoning By-law 96-108 be amended by deleting the words "Senior Citizen Multiple Dwelling" and replacing it with "Senior Citizens Residential Care Facility" wherever it appears;
- (iv) That Section 2.(b) of Zoning By-law 96-108 be amended by adding the phrase "and the fourth and fifth floor addition" after the word "building";
- (v) That Section 2. (i) of Zoning By-law 96-108 be repealed in its entirety;
- (vi) That Section 2. (f) of Zoning By-law 96-108 be amended by deleting the words 'containing not more than seventy-eight (78) "housekeeping dwelling units" ' ;
- (vii) That Section 10.(7) of Zoning By-law No. 6593, shall not apply to the subject lands;
- (viii) That a minimum 6.3 m and 9.6 m setback shall be provided and maintained from the easterly lot line for the fourth (4) and fifth (5) storeys, respectively notwithstanding subsection (iv) above;
- (ix) That an east wall sloped 45 degrees from the vertical shall be provided and maintained for the fourth and fifth storey east stairwell and the stairwell and main roof shall continue this slope;
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1360a, and that the subject lands on Zoning District Map E-13 be notated S-1360a.
- (c) That Corporate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 96-108, and Zoning District Map E-13, for presentation to City Council.
- (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Medium Density Apartments" to "Civic and Institutional" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a further modification to the established "DE-3" (Multiple Dwellings) District for lands located at 475 Main Street East as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the construction of a two (2) storey addition above the existing rear wing of the "Seniors Residential Care Facility", and increase the number of residents from ninety-four (94) to one hundred and thirty-five (135) persons. In addition, the By-law provides for the following variances:

- Defines a "senior citizens residential care facility" as a residential care facility within which all residents are at least sixty (60) years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;
- Restricts the maximum height and gross floor to five (5) storeys and 6,980.0 m² (75,134.55 S.F.) whereas the site specific By-law limits the gross floor area to 4,480.0 m² within the existing building;
- Recognizes the residential care facility is within 180.0 m of other residential care facilities;
- Maintains the existing side and rear yards for the fourth and fifth floor addition except for the easterly side yard which requires a minimum 6.3 m and 9.6 m setback from the easterly lot line for the fourth (4) and fifth (5) storeys, respectively;
- Requires an east wall sloped 45 degrees from the vertical to be provided and maintained for the fourth and fifth storey east stairwell and the stairwell and main roof to continue this slope; and,
- Maintains the current parking space requirements of By-law 96-108 (i.e. twenty-six [26] parking spaces).



Guy Paparella
for the

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, City Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant proposes to construct a two (2) storey addition above the existing rear wing of the "Seniors Residential Care Facility", and increase the number of residents from ninety-four (94) to one hundred and thirty-five (135) residents, for lands located at No. 475 Main Street East, as shown on the attached map marked as Appendix "A".

Presently, the development has twenty-six (26) parking spaces, ten (10) parking spaces are provided on-site and the remaining sixteen (16) parking spaces are located at 46 Grant Street which is owned by Atrium Villa Holdings.

The applicant has advised that it is their intention to enter into a lease arrangement to provide an additional thirteen (13) parking spaces off-site for a total of thirty-nine (39) parking spaces.

- History of the Site (475 Main Street East)

From 1996 through to 1998 the owner of the property developed the property as follows:-

Zoning Application ZAC-96-03 and Site Plan Control Application 96-08

The Planning and Development Committee and City Council at their meetings of May 22, 1996 and May 28, 1996 respectively, approved Zoning Application 96-03 for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District modified to permit the conversion of the existing building at 475 Main Street East (Cathedral Girl's High School) to a multiple dwelling for seniors, containing a maximum of seventy-eight (78) "housekeeping dwelling units" with support services (e.g. dining room, hair salon, library, lounge, etc.) including ten (10) parking spaces on-site and sixteen (16) parking spaces off-site at 46 Grant Street. The implementing by-law, By-law 96-108, came into effect on July 24, 1996.

The subsequent Site Plan Control Application DA-96-08 for development of a seniors multiple dwelling containing seventy-eight (78) "housekeeping dwelling units" and twenty-six (26) parking spaces, was approved on August 26, 1996.

Committee of Adjustment Application A-97:294

On January 21, 1998 the Committee of Adjustment heard a request to permit a minor variance from Section 19B Schedule S-1360 of the By-law for the existing 78 unit senior citizens dwelling to permit the provision of care, guidance, supervision not otherwise beneficially available within the residents own family, as an additional benefit to the residents. Further, to permit a modification to the general By-law definition of "Housekeeping Dwelling Unit" by eliminating the need for an alcove or space not enclosed on all sides by walls, intended or used for culinary purposes.

The Committee granted the request subject to the following conditions:

1. That the residents are at least 60 years of age or older, and do not require probationary or custodial care governed by the terms of any court or parole board; and,
2. That the capacity be a maximum of 94 residents.

The decision became final and binding on February 11, 1998.

APPLICANT:

Atrium Villa Holdings, owner.

LOT SIZE AND AREA:

- lot frontage 62.18 m (204.0 feet);
- lot depth of 76.12 m (249.73 ft.);
- a lot area of approximately 5,296.90 m² (1.3 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential Care Facility	"DE-3" (Multiple Dwellings) District modified
<u>Surrounding Lands</u>		
To the north	Commercial/Residential	"H" (Community Shopping and Commercial, etc.) District modified
To the south	Multiple Residential	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial/Residential	"H" (Community Shopping and Commercial, etc.) District
To the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The lands are designated **Major Institutional** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

A 2.6.2 Major Institutional uses may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Medium Density Apartments" on the approved Landsdale Neighbourhood Plan. If approved, a redesignation from "Medium Density Apartments" to "Civic and Institutional" would be required.

RESULTS OF CIRCULARIZATION:

The following Departments and Agencies have no comment or objections:

- Hamilton Region Conservation Authority; and,
- Union Gas.
- The Building Department has advised that:

The zoning application proposes a 46 unit addition to the existing "senior citizen's multiple dwelling of 78 housekeeping dwelling units" but the reference to units may be incorrect, insofar as Committee of Adjustment decision A-97:294 makes possible a use by '94 residents'. None of the units, existing or proposed, have kitchen areas.

Otherwise, the following references in By-law 96 -108 must be considered:

1. Subsection 2.(b) might also exclude section 10C.(2), as the proposed addition exceeds 3 stories;
2. Subsection 2.(c) permits a maximum gross floor area of 4,480 m² but the proposed addition brings the total to 6,980 m².

3. If some or all of the occupancy were to be considered a residential care facility use, then the site is less than the 180.0m distance required from another such use, and the district permits only 6 residents, per 9.(1)(iib).

- The Development Engineering Section has advised that there are public watermains and separate storm and sanitary sewers available to service the subject lands.
- The Transportation, Operations and Environment Division, Roads Section advises that they have no comments based on the fact that this application only deals with the 4th and 5th floor addition to an existing interior building on the site. However, should the "Option 14 Parking Spaces" also be included in this application please advise this office and we will comment accordingly.
- The Transportation, Operations and Environment Division, Traffic Engineering Section advises that the applicant previously stated in ZAC-96-03, that visitors require 0.20 parking spaces per unit. The additional 46 units will require 90 visitor parking spaces. Additional parking will also be required for additional staff.

The applicant has submitted a preliminary site plan that shows an option for 14 parking spaces north of the building. These parking spaces are required and should be a requirement of this application.

The parking area is only accessible via the public unassumed alley. The applicant should be advised that as a condition of site plan approval, they will be required to pave a portion of this alley at their expense."

- The Land Development Department, Community Planning and Development Division (Region) has reviewed the application and advised the following:

"REGIONAL OFFICIAL PLAN

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

PROVINCIAL POLICY STATEMENT

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Medical Officer of Health advises:

"As the baby boom ages, there is a growing need for the type of housing available at 475 Main Street - housing which offers prepared meals and other services. Several such properties have been developed and are fully occupied. While the proposed expansion would not be affordable for people with low incomes, it would assist in meeting this general need. The location has the following positive features: it is close to several bus routes, services and other amenities.

However, Regional Council established a policy early in the 1990's to limit the size of homes that offer care. At the time, there was evidence that suggested that smaller, homelike settings were preferable and that institution like settings should be avoided. This policy is still in effect. This application to increase the size of the building would not be consistent with the policy.

The mechanism used to implement the policy is the subsidy agreement. When applying for a subsidy agreement, homes with a licensed capacity of more than 24 units are required to restrict their capacity to 24 beds. Since this policy was established, 2 homes have agreed to comply with this restriction in order to obtain subsidy. The proposed facility does not have a subsidy agreement with the Region; their current size and plans to expand would dictate that this is not part of their plans for the future.

Additionally, there is not explicit mention of units that will be fully accessible for people with disabilities. The scarcity of satisfactory housing for both low-income and persons with disabilities, (many of whom belong to both categories), is a growing problem in this community. The inclusion of geared to income and fully accessible units in this proposal would make the development a welcome housing option to a larger sector of the population.

In summary, we are concerned that this building could become a large institution - like care centre which could have a negative impact on the health and social well being of its residents. Also we are encouraging explicit plans for accessibility for people with disabilities."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The lands are designated "Medium Density Apartments" on the approved Landsdale Neighbourhood Plan. If approved, a redesignation from "Medium Density Apartments" to "Civic and Institutional" would be required.
3. The proposal has merit and can be supported for the following reasons:
 - It is appropriately located on an arterial road (Main Street East) at the periphery of the Landsdale Neighbourhood;
 - It will provide additional seniors accommodation which is well serviced by public transit and is in close proximity to a number of community facilities (i.e. commercial shopping establishments, churches, etc.);
 - The proposed use is consistent and compatible with established development in the surrounding mixed use area, which is comprised of commercial uses, institutional uses and multiple-family and low density residential uses; and,
 - The current facility appears to be operating successfully and is a desirable land use in the neighbourhood.

4. The Building Department has reviewed a preliminary site plan for the proposal and has advised the development will require the following variance and special requirements (see Appendix "B"):

Gross Floor Area, Height and Bulk

The Committee of Adjustment, on January 21, 1998, allowed a change of use from seventy-eight (78) housekeeping dwelling units to a residential care facility containing a maximum of ninety-four (94) residents. The built form of the current development is restricted to a maximum gross floor area of 4,480 m² (48,223.89 S.F.) [0.9 x lot area] within the existing building as per By-law 96-108 whereas the applicant proposes an additional 2,500 m² within two (2) additional floors above the existing rear wing for a total gross floor area of 6,980 m² (75,134.55 S.F., 1.3 x the lot area). The increase in residential gross floor area is considerably less than the allowable gross floor area permitted within an "H" District (4.0 x lot area) which surrounds the property.

Although the gross floor of the development will be increased the overall bulk of the proposed addition will be restricted. As proposed, the fourth and fifth floor addition (i.e. two (2) storeys above the rear wing) will be stepped backed 6.3 m and 9.6 m from the easterly lot line, respectively, and a 45 degree roof angle above the existing three (3) storey building will be achieved. This will improve sun access and privacy for the adjacent one and two family dwellings to the east.

It is recommended that these setbacks be regulated as proposed to achieve compatibility with the established one and two family dwellings immediately to the east.

Parking Requirements

The current development requires a minimum of twenty-six (26) parking spaces, as follows:

- 475 Main Street East - 10 parking spaces;
- 46 Grant Street - 16 parking spaces.

In this regard Zoning By-law # 6593 requires a parking ratio of 0.33 parking spaces per resident which includes the visitor parking. Technically, a minimum of forty-five (45) spaces are required for the one hundred thirty-five (135) residents. However, given the previous planning approvals (i.e. A-97:294, permits 94 residents), it would be appropriate to determine the parking requirement for only the additional forty-one (41) residents (i.e. fourteen (14) parking spaces).

It should be noted that the Transportation, Operations and Environment Division, Traffic Engineering Section originally advised that the applicant stated under the previous zoning amendment that visitors require 0.20 parking spaces per unit. Therefore, the additional 41 residents would require nine (9) visitor parking spaces and additional parking would be required for additional staff.

Subsequently RGP Transtech Inc., on behalf of the applicant, undertook a parking survey of the development. The survey concluded that the existing parking would meet the needs of the existing and proposed expansion of Atrium Villa 90% of the time and the peak parking demand was on Thursday evening at approximately 4:45 p.m. The peak parking demand is expected to result in a shortage of four (4) parking spaces. It should be noted that the RGP Transtech Inc. parking survey was based upon forty-six (46) additional residents, as originally proposed.

The owner is proposing to provide an additional thirteen (13) parking spaces on adjacent lands to the north (i.e. Curling Club) by-way of a lease. It should be noted that off-site parking is not recognized under the Zoning By-law for required parking as it cannot be enforced.

In conclusion, given that the site is fully developed (i.e. no additional on-site parking can be provided), the results of the RGP Transtech Inc. parking survey and the reduction from forty-six (46) additional residents to forty-one (41) residents the Traffic Engineering Section has verbally advised they would support the existing parking requirements, as per By-law 96-108 (i.e. twenty -six (26) parking spaces.

Radial Separation Distance

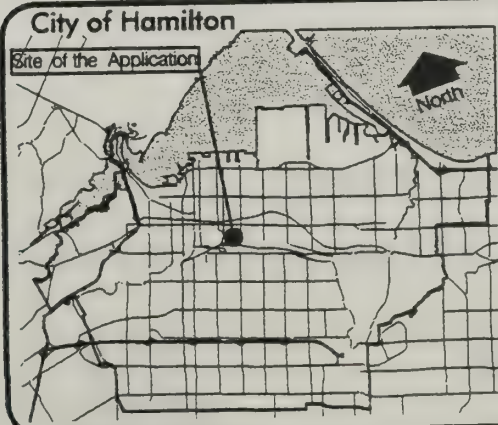
The proposed "Residential Care Facility" is within 180.0 m of other residential care facilities. It should be noted that the Committee of Adjustment decision A-97:294 had the effect of establishing a "Residential Care Facility", but does not provide relief from the 180.0 radial separation. It is recommended that the proposed by-law reflect this relief.

5. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Therefore, the applicant will be required to amend the existing development agreement (DA-96-08) to address matters related to the additional storeys and any changes to parking arrangements, grading, lighting, etc. at the site plan stage of development approval.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

Jl/jl



Community Planning and Development Division

Location Map

Legend



Further modification to the
"DE-3" (Multiple Dwellings)
District

Reference File No.

ZAC-00-22

Scale

NOT TO SCALE

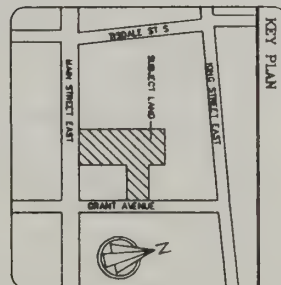
Date

June, 2000

Drawn By

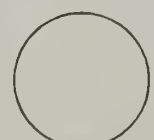
B. B.

APPENDIX 'A'



**LORNE
HAVERTY
LTD.**
Architect

278 MAIN STREET, WEST
HAMILTON, ONT. L8N 3K6
TEL. 524-1000
FAX 524-1027



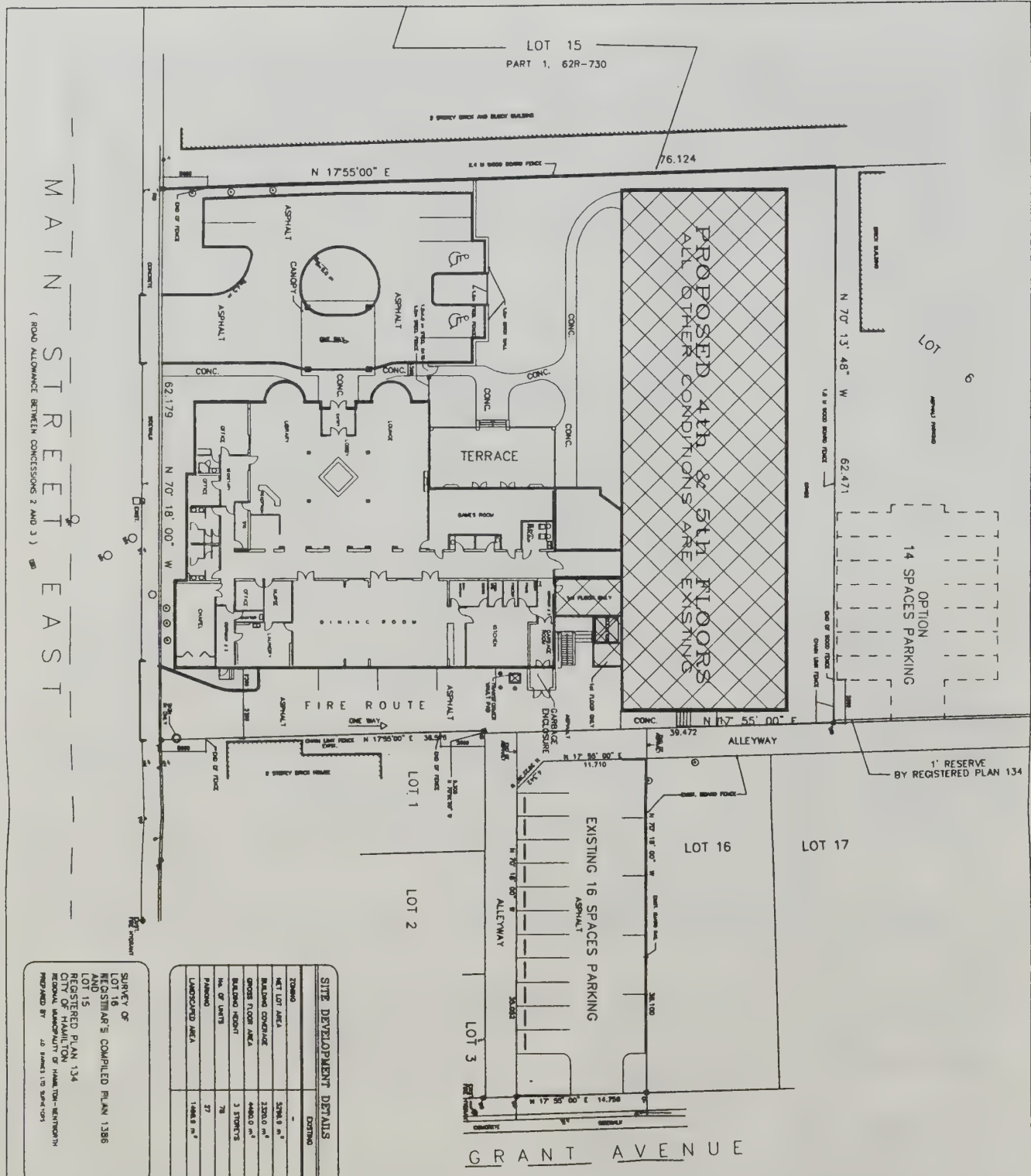
SCALE: 1:200
DATE: 00-04-08
PROJECT: ATRIUM VILLA
SHEET: 01

2
2'

HAMILTON, ONT.

SITE PLAN

A1 or -



SITE DEVELOPMENT DETAILS			
EXISTING	PROPOSED	TOTAL	
NET LOT AREA	5294.8 m ²	5294.8 m ²	(458)
BUILDING COVERAGE	2320.0 m ²	2320.0 m ²	(458)
GROSS FLOOR AREA	4460.0 m ²	8960.0 m ²	(458)
BUILDING HEIGHT	3 STOREYS	5 STOREYS	(458)
NO. OF UNITS	78	124	(458)
PARKING	27	27	(458)
LANDSCAPED AREA	1468.8 m ²	1468.8 m ²	(458)

SURVEY OF
LOT 16
REGISTERED PLAN 1386
LOT 15
REGISTERED PLAN 134
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-BENTON
PREPARED BY: 12 3046113 SURV 101

NO.	REVISIONS	DATE
1	COMPLETION	
2		
3		
4		
5		
6		
7		
8		
9		
10		

MAIN STREET EAST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)

CITY OF HAMILTON

2.5

- RECOMMENDATION -

DATE: October 11, 2000
(P5-2-129)

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

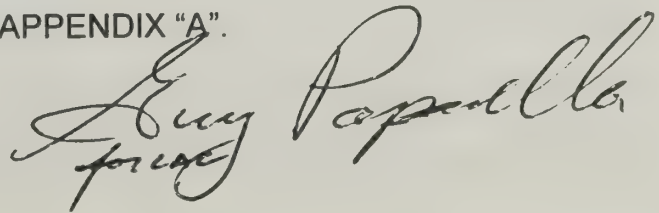
SUBJECT: Neighbourhood Plan Amendment – Templemead Neighbourhood
(PDC00170)

RECOMMENDATION:

That the approved Templemead Neighbourhood Plan be modified as follows

- i) to redesignate the lands at the north-west quadrant of the proposed Public School Board site from "Civic and Institutional" to "Single and Double Residential"; and,
- ii) to revise the road pattern to add a new street connecting Arno Street with Royal Vista Drive;

as shown on the attached map marked as APPENDIX "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board Approval is not required.

It is Council adopted policy that neighbourhood plan changes require public meetings.

BACKGROUND:

The Templemead Neighbourhood Plan was approved in 1972. Similar to many other south mountain neighbourhoods, there is a large parcel of land set aside for a school.

The Hamilton-Wentworth District School Board owns a 6.47 ha (16 ac.) parcel of land in the middle of the Templemead neighbourhood. A consultant hired by the Ministry of Education recommended that 5 acres is the optimum size for an elementary school site.

Approximately seven years ago, the Board developed a plan for the site which showed the school located in the north-west quadrant of the site. However, the building of a new school was put on hold because of the changes to the Provincial funding formulas. The Provincial Government has established a funding model which requires school boards to remove excess pupil capacity prior to receiving funding for new schools. The Hamilton-Wentworth District School Board has approximately 8-10,000 excess pupil spaces. No new provincial funding will be given to the school board until such time as this excess capacity is eliminated.

In September 2000, the Board Trustees approved building a new JK to 8 school in the Templemead neighbourhood. The funding for the new school is coming from the Hamilton-Wentworth District School Board's own resources, including proceeds from residential development of surplus lands. The location of the school and the size of the school site were changed from the 1993 concept.

PROPOSAL:

The proposal is to retain 3.6 ha (8.9 ac.) of land in the interior of the site and sever the remaining 2.8 ha (7.1 ac.) of land.

The school is proposed to be located adjacent to the existing Board owned soccer pitch and Templemead Park. A new road is proposed to connect Arno Street and Royal Vista Drive (see APPENDIX "A").

The remaining lands are proposed for approximately 45 single-family dwellings (12m/40 ft.) fronting on Templemead Drive and the new street (see APPENDIX "B")

In addition, the City owns a small triangular piece of land at the southern end of the school site. It is proposed the City exchange their parcel of land for small strip on the east side of the school site. This land exchange would "square off" both sites.

PLANNING PROCESS:

The proposed development of the site is following a two-phase planning process:

Phase 1 will include the submission of a:

- 1) site plan for the school;
- 2) a severance to dedicate the road to the City of Hamilton and to facilitate the land exchange between the Board and the City; and,
- 3) a neighbourhood plan amendment to revise the road pattern and redesignate a portion of the lands to "single and double residential".

Phase 2 (in 2001) will include the submission of a:

- 1) draft plan of subdivision for the residential lots; and,
- 2) rezoning application from "AA" (Agricultural) district to "C" (Urban Protected Residential, etc.) District.

COMMENTS OF THE PROPOSED NEIGHBOURHOOD PLAN CHANGES:

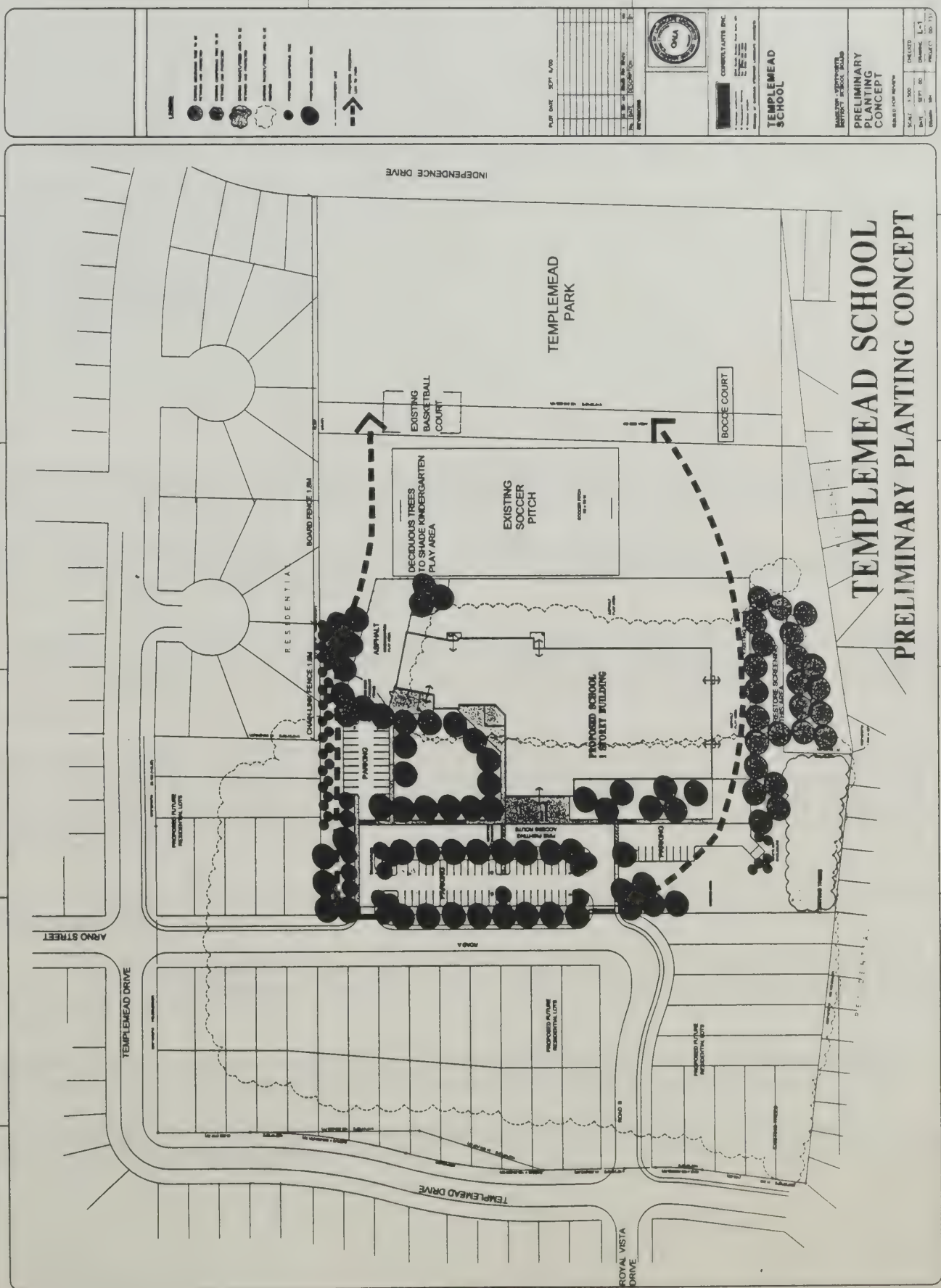
The proposed neighbourhood plan changes can be supported for the following reasons:

1. The location of the school implements the intent of the Official Plan which encourages the integration of school and park uses;
2. The proposed single-family dwelling lots are consistent with the low density residential land use and the proposed lotting pattern of adjacent single-family dwellings;
3. The proposed street intersects with two existing street (Arno Street and Royal Vista Drive);
4. The retention of the 16 acre parcel of land is not an affordable option for the school board since maintaining excess land is costly. The optimum school site is 5 acres and the Board proposes a school site of 8.9 acres.

CONCLUSION:

Based on the foregoing, the proposed changes to the approved Templemead Neighbourhood Plan can be supported.

jhe



OCT 13 2000 2.5.1

EDWYN AND SHARON LEWIS

October 8, 2000

Joanne Hickey-Evans
Community Planning and Development Division
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

In reply to:

On October 6, 2000 we received a letter from you with regards to a meeting about the rezoning of the Board of Education property on Templemead Drive in the city of Hamilton. The following are our comments about this situation.

From the time we purchased our property, we have known, and accepted, that a school was to be erected on the property opposite our property. We attended meeting(s) eight or nine years ago regarding the planning of same and we thought everything was a go. NOT!!!! So we waited and waited.

On September 25, 2000 we attended a meeting conducted by the Board of Education and various civic employees and elected officials. The new proposal was a shock and most upsetting to most people in this neighbourhood and we are all against it. We feel cheated, tricked and lied to and the lack of trust for our elected officials and the bureaucracy surrounding them is most astounding.

There was a lady at this meeting who was from the planning department, and I apologize for not remembering her name, who said, in so many words, that the severed land would be for single family houses of equal value and presence to the existing homes. The letter from you states "to designate the north-west portion of the site from 'Civic and Institutional' to 'Single and DOUBLE' residential". The word "DOUBLE" bothers us to no end because we fear the outcome of this change and we will tell you why.

There is absolutely no guarantee on the end usage of the severed land and we have serious doubts in how much control City Hall has over any of this.

I, Edwyn, have lived on the east end of the mountain all my life (56 years) and it has not developed like the west end of the mountain has and this is exacerbated by the lack of the Red Hill Creek Expressway so the reselling of these severed lots may be more difficult than anticipated.

We witnessed the original developer of this area, Alterra, forced to sell off several lots that were basically unsaleable and houses of different design were erected on these lots. Not what we expected when we purchased our home.

We fear that blasting will be done and we had cracks in our basement before we moved in, we are the original buyers, and we do not want more cracks or other problems that may result.

We fear that any new developers in this area will meet the same problems Alterra had and will have the zoning changed again and we fear what might result. Our property is not worth the same value it was when purchased in 1990 and we do not wish a further reduction.

We had to persevere muddy streets for much longer than anticipated because it took so long to complete this survey and now we must do it again. NO!!!

One of our neighbours mentioned the short sightedness of the Board of Education because they are closing themselves in from any future expansion. Why are they adding 500 to 550 new student placements when they have 10,000 placements too many now?

We are concerned about losing green space. The original plan kept much more of this green space and once this property is sold off the trees will be gone.

We are concerned with the money being spent on studies of this property that were done 10 years ago. We believe the land has not moved.

We feel the Board of Education may be expecting to raise unrealistic amounts of money from sales of their properties. Is this piece of land worth \$1,000,000.00? If so, where does the balance of the \$7,500,000.00 come from?

We fear the possibility of under-the-table deals being made. One of the officials at this September meeting had a last name that is almost synonymous with the words real estate in the city of Hamilton.

We fear the Board of Education may be trying to create its own market. The original school proposal called for bussing but the new one does not. Is this because they are counting on school-age children living in these new homes?

There is land in this area that has NOT been developed since creation. This indicates the lack of viability in this area of the city.

There is no guarantee the school will be built after the land is severed. The school board gets the money, the political environment changes again and what happens to the balance of the property? A recent study, headlines in the Hamilton Spectator Oct 8/00, indicates \$15 million needed to repair existing schools that were never properly maintained.

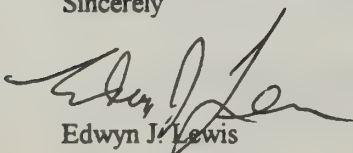
There will be a noticeable increase in traffic on Templemead. It is the main artery to get in and out of this survey and we get a lot of vehicles passing our home now. Speed limits and stop signs are not obeyed at all.

The time of day for this meeting is quite inconvenient considering that most people will be at their jobs. It does make one wonder if their letters will be acknowledged as it does appear to be a stacked deck

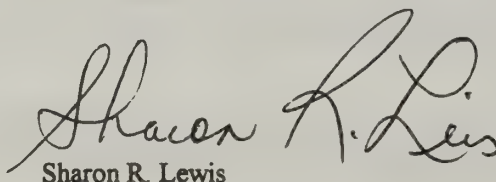
Are the sewers and water supply adequate in volume and pressure?

Bottom line is build the school as originally planned with green space or leave the area as green space and rezone as such.

Sincerely



Edwyn J. Lewis



Sharon R. Lewis

c.c. Tom Jackson, Beth Phinney, The Honourable Janet Ecker, Marie Bountrogianni, Ministry of Education.



MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday October 4, 2000
9:30 a.m.
Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, F. Eisenberger, B. Charters, B. Kelly

Regrets: Alderman D. Haining, (Personal Business)

Also Present: Aldermen Kiss, P. Mallard, P. Mason, G. Paparella, N. Smith, E. Switinky, M. Mascarenhas, T. Redmond, E. Chajka, N. Catalano, Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLOWING ITEMS WERE RECOMMENDED TO COUNCIL:

1. **Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156) (Previously Tabled)**

That the Gourley Neighbourhood Plan be not amended, as shown on Appendix "A", as follows:

- (a) to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,
- (b) to extend Chesley Street northerly to connect with the planned east-west street.

2. Further Modification in Zoning for the South-East Corner of Chedmac Drive and Redfern Avenue. (ZAR-00-26) (PDC00160)

That approval be given to Zoning Application ZAR-00-26, St. Peters Health System, prospective owner, for a further modification to the established "AA" (Agricultural) District regulations, to permit a two-phase nursing home (long term care facility) with a maximum capacity of 180 beds for Block "1" (phase 1) and 120 beds for Block "2" (phase 2), for lands located at the south-east corner of Chedmac Drive and Redfern Avenue, as shown on the attached Map marked as Appendix "B", on the following basis:

- (a) That the "AA" (Agricultural) District regulations as contained in Section 7A. of Zoning By-law 6593, as amended by By-law 96-152, applicable to the subject lands, be further modified to include the following variances, as special requirements:
 - (i) That notwithstanding Section 4.(a) of By-law No. 96-152, the following uses shall be permitted:
 - (1) a nursing home with a maximum capacity of 180 beds and accessory uses thereto on Block "1"; and,
 - (2) a nursing home with a maximum capacity of 120 beds and accessory uses thereto on Block "2".
 - (ii) That Section 4.(b) of By-law No. 96-152 shall not apply to Block "1" or Block "2".
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 and W-37 be notated S-1363a.
- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 and W-37 for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Columbia International College, Owner, for a further Modification to the Established "HH" District for 1033 Main Street West (ZAR-00-29), (PDC00164)**

That approval be given to Zoning Application ZAR-00-29, Columbia International College, owner, for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for lands known as 1033 Main Street West as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the "HH" (Urban Protected Residential, etc.) District regulations, contained in Section 14A. of Zoning By-law No. 6593, as amended by By-law Nos. 84-234, 88-44 and 89-220, applicable to the lands known as 1033 Main Street West, be further modified to include the following variances as special requirements as follows:

(i) That Subsection 1.(a)(i). of By-law No. 89-220 be deleted in its entirety and replaced with the following:

"1.(a)(i.) on Block 3, subject to subsection (d), a lodging house shall be permitted subject to the following:

1. it is located within the building existing on the date of the passing of this by-law;
2. contains a lodging house for the accommodation of not more than 200 persons; and
3. is occupied only by residents who are students attending Columbia International College."

(ii) That Subsection 1.(a)(ii)2. of By-law No. 89-220 be amended by deleting the phrase "9 multiple dwelling units for use by not more than 9 residents" and replaced with the phrase "9 multiple dwelling units for use by not more than 18 residents" such that Subsection 1.(a)(ii)2. of By-law No. 89-220 shall read as follows:

"1.(a)(ii.)2. Contains not more than 9 multiple dwelling units for use by not more than 18 residents and 99 lodging homes for use by not more than 198 residents,"

(iii) That Subsection 1.(a)(ii).3. of By-law No. 89-220 be deleted in its entirety and replaced with the following:

"1.(a)(ii).3. is occupied only by residents who are students attending Columbia International College."

- (b) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Maps W-33 and W-34 for presentation to City Council; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-886c, and that the subject lands on Zoning District Maps W-33 and W-34 be notated as S-886c;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. Demolition of 152 Park Street North (PDC00162)

That the Acting Director of Building be authorized to issue a demolition permit for 152 Park Street North in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

5. Demolition of 100 Rainbow Drive (PDC000163)

That the Acting Director of Building be authorized to issue a demolition permit for 100 Rainbow Drive in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

6. Removal of Holding Zone (ZAR-00-28) – 1780 to 1808 Main Street West (PDC00165)

- (a) That approval be given Ninco Construction Limited, owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for an eight (8) storey, 48 unit multiple dwelling, for property located at 1780-1808 Main Street West, as shown on the attached map marked as Appendix "D"; and,
- (b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No.

89-126, and Zoning District Maps W-50 and W-51, for presentation to City Council.

7. Payment for Accrued Parkland Credit, Allison Estates- Phase 1 (CS00027)

That the amount of \$43,400 be paid to 200 Rymal Road Inc. to purchase that company's parkland credit balance of 1,006.248 square metres (0.248 acres), provided that 200 Rymal Road Inc. execute a release in a form satisfactory to Corporate Counsel and the cost be charged to Account No. COHAM 58534 104090 (Reserve for Parklands).

8. 17 Augusta Street- Designation (PDC00158)

- (a) That approval be given to the Intent to Designate the late Victorian house at 17 Augusta Street, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "E"; and
- (b) That Corporate Counsel be authorized and directed to take appropriate action to have this property designated under the Ontario Heritage Act, 1997.

9. Downtown Convert/Renovate to Residential Loan Program, 11 Rebecca Street, Hamilton (HSB00016)

- (a) That a loan to Rebecca Street Holdings (Hamilton) Inc., (principal Mr. Anthony G. DiCenzo) for building rehabilitation and conversion to 40 residential condominium rental units at 11 Rebecca Street, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:
 - (i) A maximum loan of \$800,000 under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;

- (b) That the loan amounting to \$800,000 be subject to the following conditions:
- (i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);
 - (ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:
 - 1. All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;
 - 2. At the time of each loan advance:
 - there remains at least 25% owners' equity (as described above) in the properties;
 - the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 40 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;
 - (iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;

- (v) That the client commence construction within 3 months of receipt of the building permit; and,
- (vi) Such other terms and conditions that Council may, in its discretion, require.

10. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-069 A By-law to Amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 158 and 166 Stone Church Road West
- (b) C-070 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 89-126 and 89-178 respecting lands located at Municipal Nos. 1780, 1790, 1796 and 1808 Main Street West.
- (c) C-071 A By-law to Adopt Official Plan Amendment No. 168 Respecting lands located East of Lake Avenue North and South of Strawberry Drive.
- (d) C-072 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located East of Lake Avenue North and South of Strawberry Drive.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – September 20, 2000 (Item 3.1)**

The Minutes of the meeting held September 20, 2000 were adopted.

- (c) **Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156) (Previously Tabled) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

A submission was received from Cindy and Rob Vanderstar, 189 Chesley Street Hamilton.

Ward Campbell, of Starward Homes and the prospective purchaser from St. Clair Construction were present in support of the recommendation.

Paul Mallard gave a brief overview of the staff report. Of 120 notices circulated, 10 replied in favour and 6 opposed.

The following People were present in objection to the recommendation:

Cindy Vanderstar, 189 Chesley Street, Hamilton
Joe Rasso, 146 Chester Avenue, Hamilton
Mario Posteraro, 207 Chesley Street, Hamilton
Rose, Charmee, 133 Chester Street, Hamilton
John Bielak, 210 Chesley Street, Hamilton
Dan Meyer, 204 Chesley Street, Hamilton
Vito Battista, Chesley Street, Hamilton
Mary Codnick, 150 Chester Street, Hamilton

They were opposed based on the following:

- increase in traffic
- safety concerns regarding children and people using public transit
- lack of sidewalks and curbing
- improper notification of the meeting
- support for original Neighbourhood plan
- negative change in the residents quality of life

Ward Campbell stated that the side walks and curb matter is a separate issue. He said that eventually traffic will be shared with Annabelle, Appleblossom and Brigadoon streets. The change will result in less traffic at the elementary school in the subdivision.

Paul Mallard advised that there is no statutory requirement for 120 Metre circularization for neighbourhood plans as there is for zoning. In this case everyone within 120 metres was notified in addition to all those residents with an address on Chesley Street.

Following discussion the Committee resolved to deny the recommendation of the General Manager, Community Planning and Development Division.

(d) **Further Modification in Zoning for the South-East Corner of Chedmac Drive and Redfern Avenue (ZAR-00-26) (PDC00160) (item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Submissions were received from the following:

- (i) Susan and Robert Stringer, 132 Redfern Avenue, Lot 18, Hamilton
- (ii) Elaine Stewart, 60 Redfern Avenue, Hamilton

Brenda Khes was present in support of the recommendation together with architect Barbara Miskiel, and Vicki Barrett, the Vice president of Planning for St. Peter's.

Paul Mallard gave a brief overview of the staff report. Of 90 notices circulated, 11 replied in favour and 14 opposed.

Barbara Miskiel advised that the Ministry has developed new guidelines for nursing homes to make them more residential in nature. She advised that proposal will have pods of residential development.

Ms. Khes stated that she is prepared to work with neighbourhood residents, and staff to find parking that is not disruptive. She said that traffic will not be a concern because the residents do not drive and there is not a large amount of staffing. The development will be 2 1/2 stories in height whereas the present use allows 3 stories in phase 1 and 6 stories in phase 2. The use is consistent with health care uses with significant landscaping and buffering.

Florence Leat, a patient of St. Peter's Hospital was present to give her testament to the care she has been given while at the hospital.

Bob Herd of 40 Redfern Avenue was present in support of the proposal but was concerned that many people are being told that there is a swimming pool proposed for this same property. Louis Clark of 134 Chedmac Drive and Peter Foulds of 3 Douglas Drive, Caledon, who recently purchased a

home in the neighbourhood concurred.

Angela Nicol of 36 Redfern Avenue concurred and asked what the use will be for the lands to the East of Phase 2.

Mohamed Al Kaabi of 152 Redfern Avenue was opposed because he believes the plans should not be changed.

Alderman D'Amico stated that the aquatic centre was proposed for the Toronto bid for the 1996 Olympics that did not materialize. He stated that the issues of parking and traffic will be addressed at the site plan stage. He supports it but ensures that the residents' concerns will be addressed in the site plan.

Alderman Corsini stated that traffic controlling devices should be implemented in this area.

In response to a question from Alderman Copps, Ms. Barrett advised that there will be no rest bit care in this facility.

(e) **Columbia International College, Owner, for a further Modification to the Established "HH" District for 1033 Main Street West (ZAR-00-29), (PDC00164) (Item 2.3)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the staff report. Of 84 notices circulated, 5 replied in favour and 3 opposed.

John Ariens of Planning and Engineering Initiatives and Jim Campbell of Columbia College were present in support of the recommendation.

Mr. Ariens advised that an additional 45-50 parking spaces above and beyond that which is required are being created as a result of the Ainslie school opening and this proposal. As a result there will be less street parking and disruption to surrounding residents. He stated that he and the administration will work with area residents, staff and members of the Planning and Development Committee to resolve any concerns.

The following People were present in objection to the recommendation:

Evelyn Ohayou, 19 Dow Avenue, Hamilton
Jack Leon, 25 Dow Avenue, Hamilton
Aaron Shiftman, 15 Dow Avenue, Hamilton

They were opposed based on the following:

- behavioural problems associated with trespassing students
- safety issues associated with increased traffic
- decrease in property values
- lack of student supervision

It was suggested that there be more after hours supervision and that a high fence be erected surrounding the property.

John Ariens suggested that the student vehicular problem is from off campus students. He advised that the school has a zero tolerance policy on substance abuse that results in automatic expulsion. The issue of fencing will be addressed.

- J. Campbell advised that all neighbourhood complaints will be investigated.

Following discussion, the Committee concurred that the issue be approved and brought forward to Council and that in the interim the Ward Alderman and others meet with the proponents in order to resolve neighbours concerns and should these concerns not be addressed the matter is to be referred back to Committee.

A recorded vote was called on the main motion as follows:

Recorded vote:

Yeas: Mayor Morrow, Aldermen Caplan, Corsini, Charters, Kelly -5

Nays: Aldermen Copps, D'amico -2

Carried.

(f) **Information Items (Item 4.5)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (i) Commissioner, Department of Public Works and Traffic re: 12th Annual Business Development Seminar – October 23, 2000, (PWT00155) dated September 15, 2000.
- (ii) Commissioner, Department of Public Works and Traffic re: Business Improvement Areas – Second Annual Excellence in Property Awards (PWT00156) dated September 14, 2000.
- (iii) Commissioner, Department of Public Works and Traffic re: Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PWT00160) dated September 20, 2000.

(g) **17 Augusta Street- Designation (PDC00158)(Added Item)**

The Committee suspended the rules of order to allow this item to be added to the agenda.

(h) **Request for a waiver of the 2 year building requirement as per bill Parks and Recreation Committee 140 for Belvidere property from Clair W. Sellens (Item 5.1)**

Alderman Kelly requested and the Committee concurred that this item be tabled to the next regularly scheduled meeting of the Planning and Development Committee in order to allow Mr. Sellens to provide additional information.

(i) **Downtown Convert/Renovate to Residential Loan Program, 11 Rebecca Street, Hamilton (HSB00016) (Item 5.2)**

Mark Mascarenhas advised the Committee that there is a typographical error in the recommendation that has omitted the word "City". The Committee corrected the recommendation as a friendly amendment.

(j) **OTHER BUSINESS**

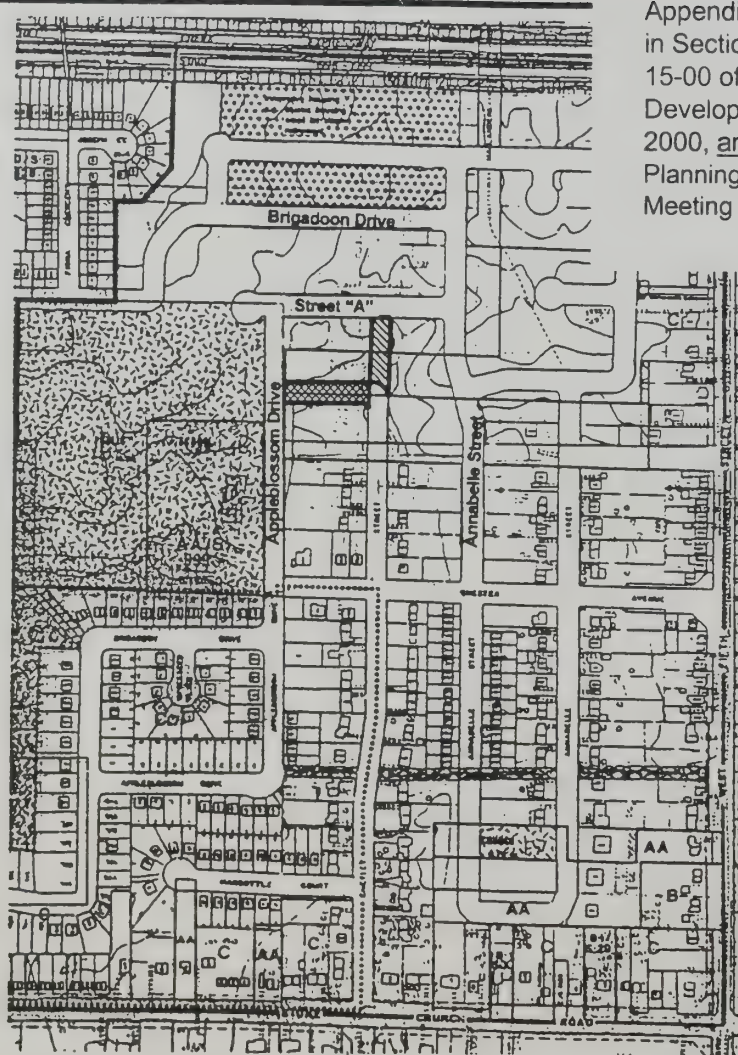
None.

Note: The meeting of the Planning and Development Committee adjourned at 11:35 a.m.

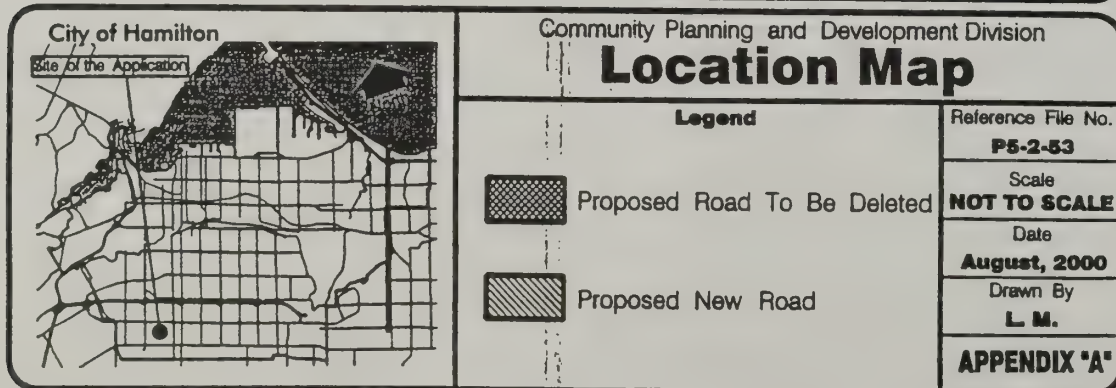
**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
October 4, 2000**

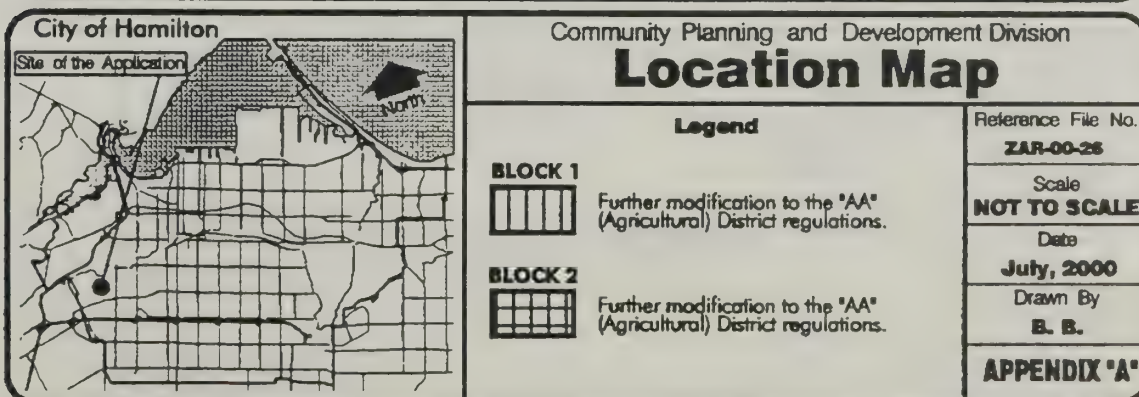
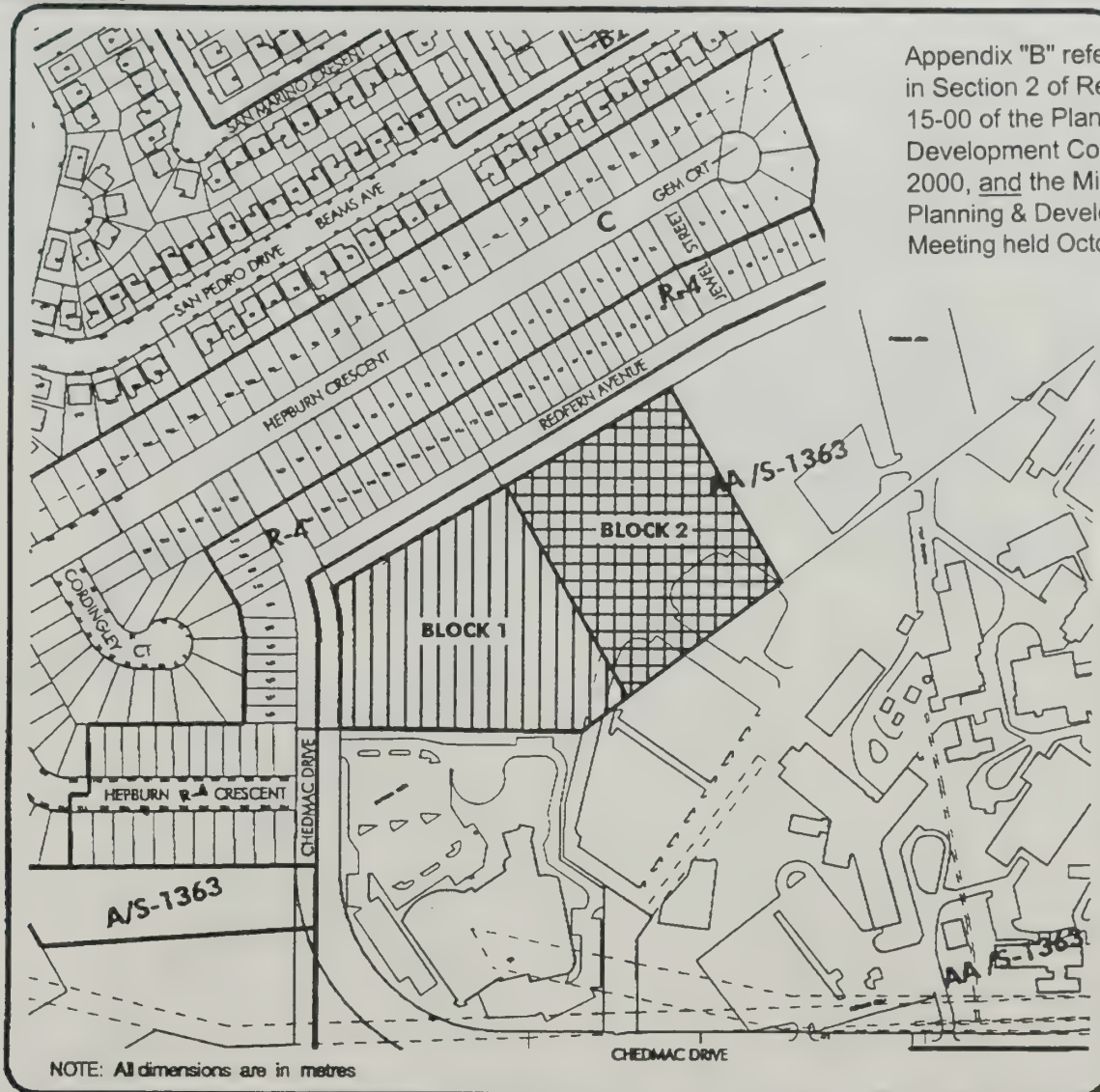
Appendix "A" referred to in Section 1 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.



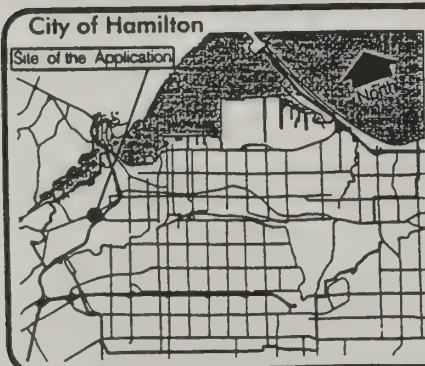
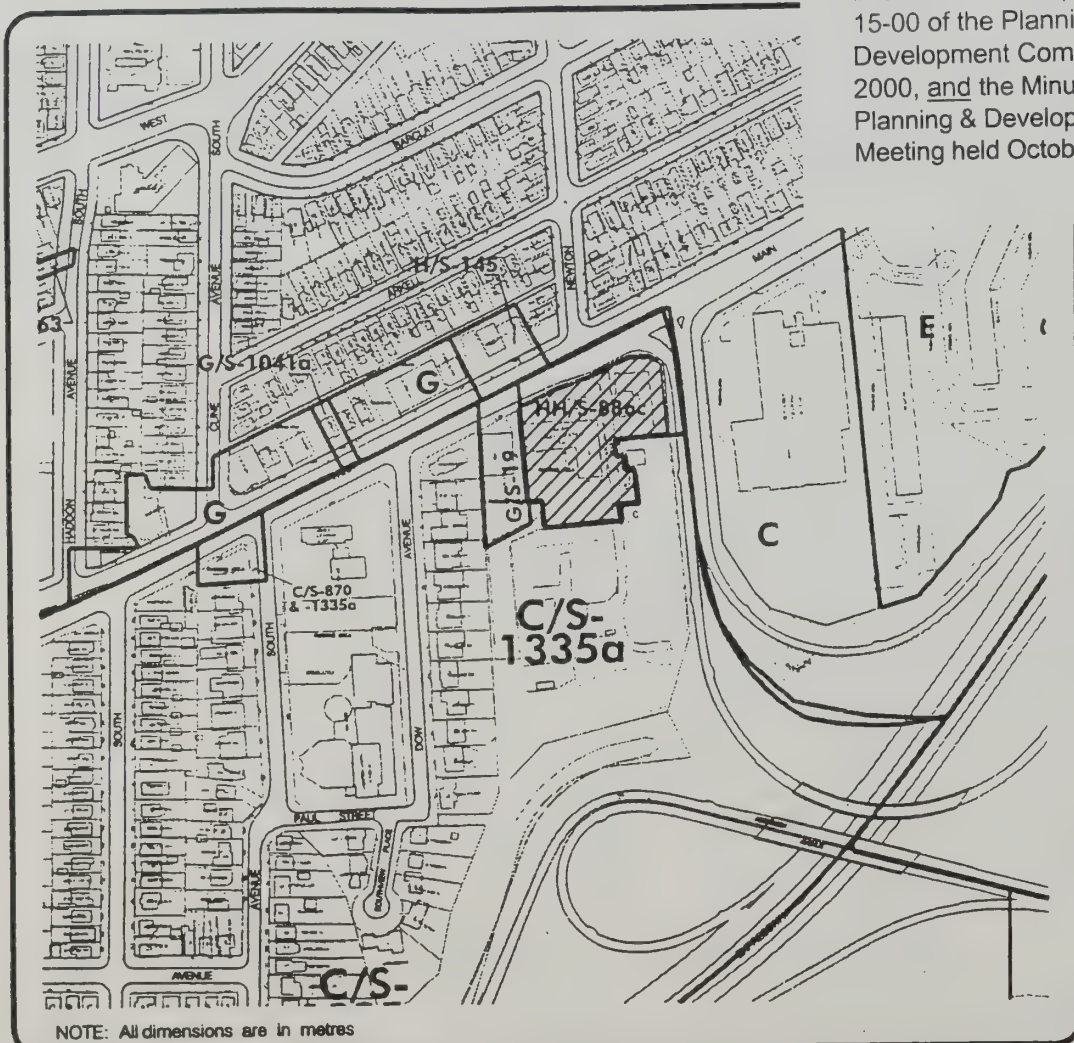
NOTE: All dimensions are in metres



Appendix "B" referred to in Section 2 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.



Appendix "C" referred to
in Section 3 of Report
15-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 4, 2000.



Community Planning and Development Division

Location Map

Legend



Request for a further modification to
the "HH" (Restricted Community Shopping
and Commercial) District.

Reference File No.

ZAR-00-29

Scale

NOT TO SCALE

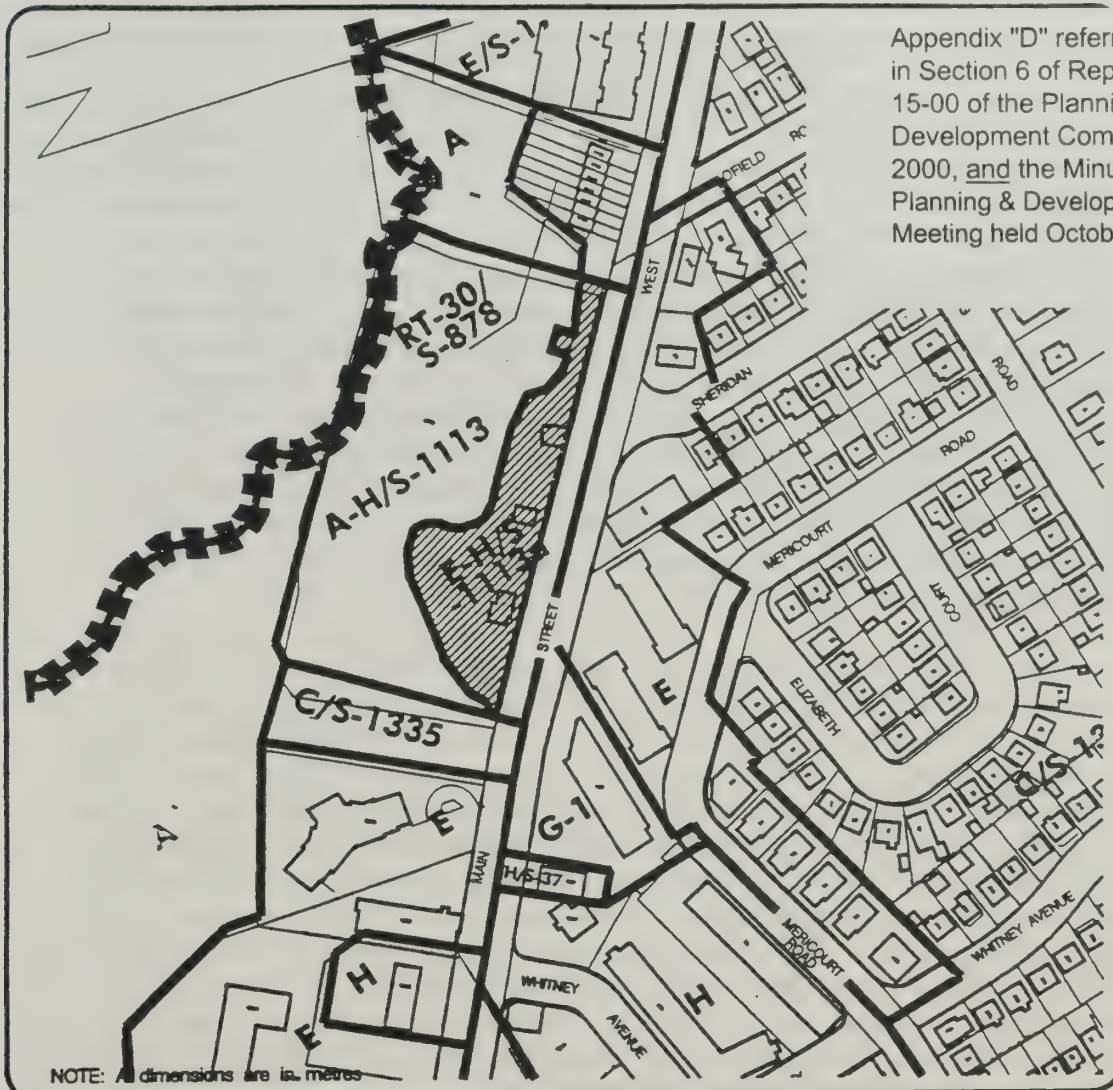
Date

August 2000

Drawn By

PB

APPENDIX 'A'



Appendix "D" referred to in Section 6 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.

<p>City of Hamilton</p> <p>Site of the Application</p>		<p>Community Planning and Development Division</p> <h2 style="text-align: center;">Location Map</h2>	
<p>Legend</p> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <p>Site of Application</p> </div>		<p>Reference File No.</p> <p>ZAR-00-28</p>	<p>Scale</p> <p>NOT TO SCALE</p>
		<p>Date</p> <p>July, 2000</p>	<p>Drawn By</p> <p>B. B.</p>
		<p>APPENDIX 'A'</p>	

REASONS FOR DESIGNATION 17 Augusta Street, Hamilton

Appendix "E" referred to in Section 8 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.

Context

The 2 1/2 storey late Victorian brick house at 17 Augusta Street was built in the area of Hamilton known as Corktown (named after the city of Cork in Ireland). As early as the 1840s, many of Hamilton's Irish immigrants settled south of Main Street in the area between James and Catharine Streets. By the 1890s, Corktown had evolved into a densely populated residential area. Augusta Street between James and John, was continuously lined with 1 to 2 1/2 storey houses. One block to the north was the new Toronto Hamilton & Buffalo Railway line, with its Victorian railway station at the north-east corner of Hunter and James. In the block north of Augusta and east of Hughson was an open air market square known as the Hay Market.

Since the 1950s, the tightly-knit urban fabric of the northern part of Corktown has been steadily eroded by the demolition of 19th century buildings, with some sites left vacant (now parking areas) and others redeveloped for high-rise apartment and office buildings. Today the house at 17 Augusta Street forms part of a small enclave of historic buildings extending along Augusta east of James to Hughson and south on Hughson to Haymarket Street. These buildings largely comprise detached or semi-detached houses dating from the mid to the late 19th century and converted in recent years to restaurants and other commercial uses. This building cluster is now surrounded by parking lots and post-war construction. Notable landmarks in the immediate vicinity include the T.H. & B Station, completed in 1933 and renovated in the 1990s to serve as the Hamilton GO Centre, and the St. Charles Garnier Roman Catholic Church erected in 1966 at the south-east corner of Augusta and Hughson.

History

The house at 17 Augusta Street appears to have been erected in 1895 for Thomas J. Leatherdale, a photographer, who sold it to William Crowther Jr., a chiropodist, in 1897. The property was owned and occupied by the Crowther family until 1911, when it was sold to Frances Stephenson. It then underwent several more changes of ownership before being purchased by the current owner in 1986. In 1989, the house was renovated and substantially enlarged by a one-storey rear addition for use as a restaurant.

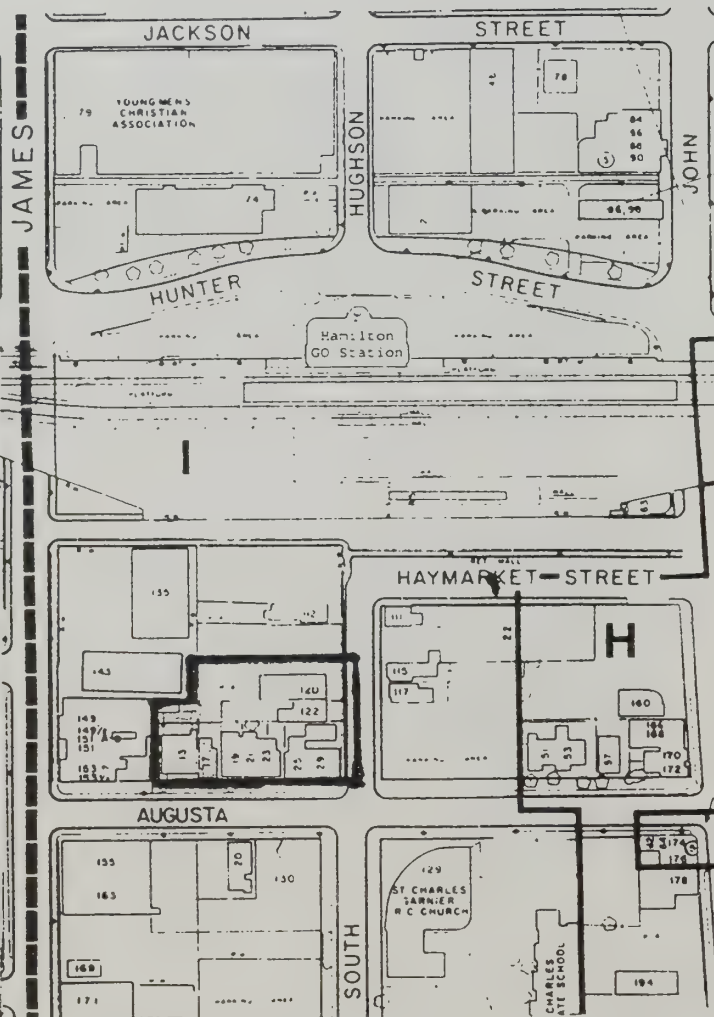
Architecture

17 Augusta Street is typical of the late Victorian brick houses and terraces erected in the Corktown neighbourhood. The configuration of the doorway and windows of the front facade, similar to the house next door at 19 Augusta Street, consists of a side entrance with a single door surmounted by a stained glass transom light, a projecting hexagonal bay window with stained glass panels above the three windows, and single and paired upper storey windows with segmentally-arched brick lintels and contrasting keystones (now painted the same colour as the brick masonry). The bay window is embellished with four colonnettes and a decorative moulding below the roof soffit. Typical of Hamilton's terrace housing are the parapet end walls with stone corbels and built-in chimneys, a less common feature of detached housing but not unusual in Corktown. The gabled dormer over the paired windows appears to be a early 20th century addition. More recent changes include the removal of the four chimneys built into the parapet walls, the replacement of the original wood sash windows on the second storey with fixed pane thermopane units, and the installation of a new front door in 1989.

Designated Features

Important to the preservation of 17 Augusta Street are the original architectural features of the front (south), east and west facades, including the four stained glass transom windows, but excluding the front door and any added or replacement windows.

17 Augusta Street



Section of the Corktown zoning map.

17 Augusta is located in an area previously identified as a potential heritage conservation district. This area is identified by the boundary in the above map, and the house itself is shaded.

CITY OF HAMILTON

4.1

- RECOMMENDATION -

DATE: October 3, 2000

REPORT TO: Chairman and Members
Planning and Development Committee

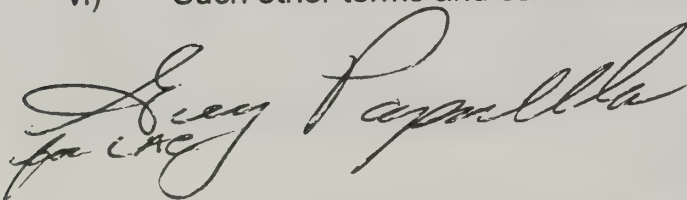
FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Downtown Convert/Renovate to Residential Loan Program
Core Heritage 2000 Program - 12 Mary Street, Hamilton
1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev)
(HSB00017)

RECOMMENDATION:

- a) That a grant for façade improvements, under the Core Heritage 2000 Program in the amount of thirty thousand dollars (\$30,000) to 1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev), registered owner of 12 Mary Street, Hamilton, be approved; and,
- b) That a loan to 1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev) for building rehabilitation and conversion to 62 residential units at 12 Mary Street, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:
 - i) A maximum loan of \$1 Million under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;
- c) That the loan amounting to \$1 Million be subject to the following conditions:
 - i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be repayable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);

- ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:
- 1) All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;
 - 2) At the time of each loan advance:
 - there remains at least 25% owners' equity (as described above) in the properties;
 - the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 62 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
- iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;
- iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;
- v) That the client commence construction within 3 months of receipt of the building permit; and,
- vi) Such other terms and conditions that Council may, in its discretion, require.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$30,000 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$109,190.

The loan of \$1 Million will be funded from the \$10 Million operating line of credit for the Downtown Convert/Renovate to Residential Loan Program approved by Council and the Transition Board. **Transition Board approval is not required.**

BACKGROUND:

Report HSB00017 has been prepared pursuant to an application from the owner/applicant, 1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev) under the terms of the Downtown Convert/Renovate to Residential Loan Program which were recently amended by Council. Those amendments additionally require approval from the Ministry of Municipal Affairs and Housing under a proposed amended Downtown Community Improvement Plan.

As further information for the Committee, the applicant has agreed to attend the meeting to address any questions and to describe the contemplated scope of the project. The applicant has also applied under the Core Heritage 2000 Program.

12 Mary Street is a vacant building, formerly the "Century Theatre". Conversion to residential constitutes an adaptive reuse and is in keeping with the downtown goal of increasing the residential population and supply. The owner/developer is also applying for funding under the Residential Rehabilitation Assistance Program (Conversion) which is funded by the Federal Government but administered by the City.

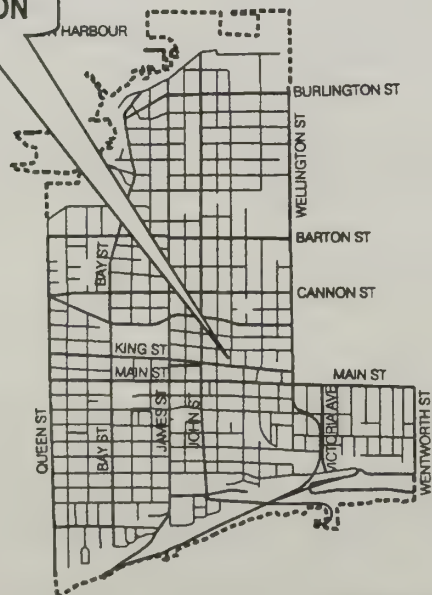
The application conforms to the policy approved by Council in Report PDC00151. Staff will engage the services of an independent party to provide due diligence, expertise and the development of application structure criteria and risk analysis.

LAC/MM/dk .



KEY MAP

LOCATION



**HAMILTON
WARD 2**



LOCATION PLAN

12 Mary Street, Hamilton

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Community Planning and Development Division

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2000-10-05

REFERENCE FILE NO: HSB00017

4.2

CITY OF HAMILTON

RECOMMENDATION

DATE: October 10, 2000

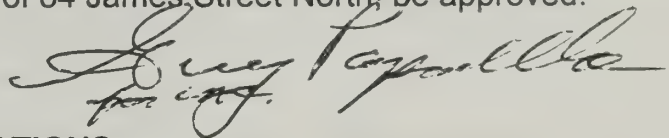
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Core Heritage 2000 Program - Grant Increase
84 James Street North, Hamilton (HSB00018)

RECOMMENDATION:

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of four thousand, nine hundred and thirty-two dollars (\$4,932) to Eduardo Importing Ltd., registered owner of 84 James Street North, be approved.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant increase of \$4,932 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$109,190.

Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

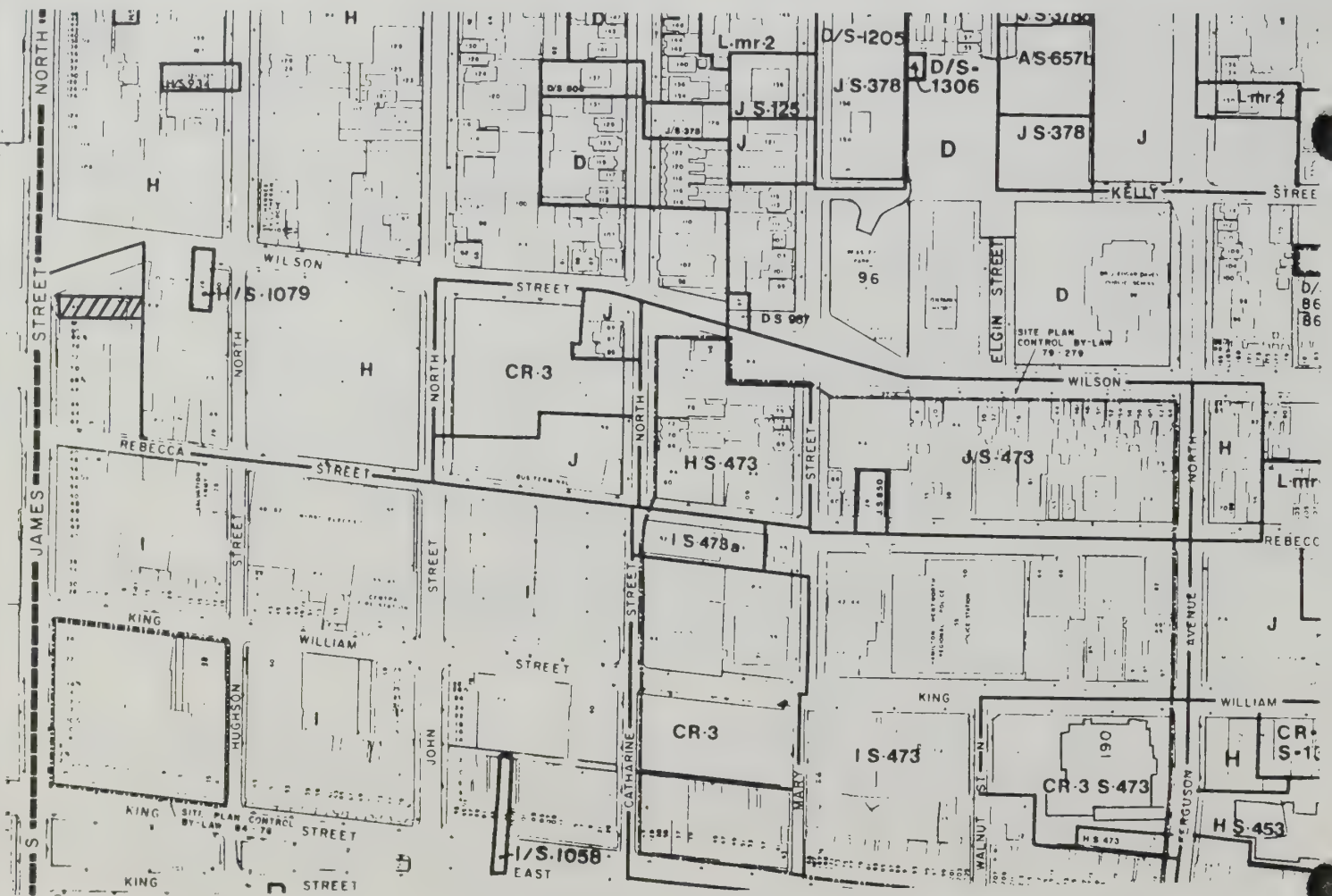
BACKGROUND:

City Council at its meeting held January 25, 2000 approved a grant application under the subject program in the amount of \$18,020. The owner has since met the criteria for additional work costing \$4,932 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$18,020 to \$22,952.

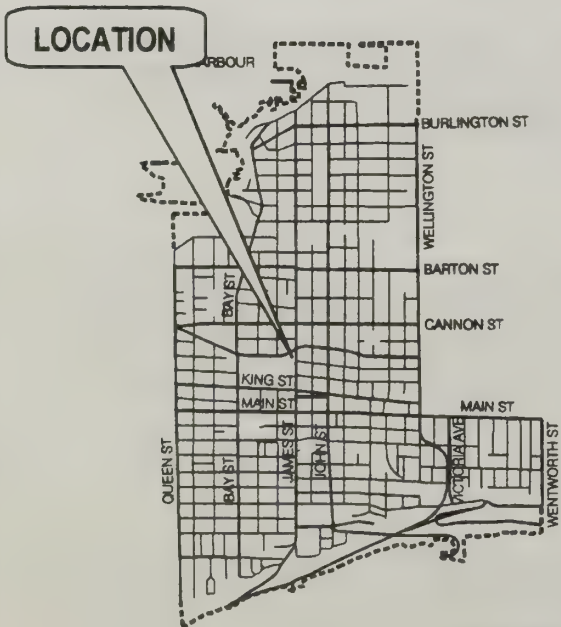
LAC/MM/dk

Attach.

cc: A. Gillespie, Community Planning and Development Division
cc: R. Camani, Finance Department
cc: M. Mascarenhas, Housing and Shelter Branch



KEY MAP



**HAMILTON
WARD 2**



LOCATION PLAN

**Core Heritage 2000 Program
84 James Street North, Hamilton**

**CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Community Planning and Development Division**

LEGEND



SUBJECT LAND

**SCALE
NOT TO SCALE**

**DATE
2000-10-05**

REFERENCE FILE NO: HSB00018

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: October 18, 2000
ZAR-00-05
Bonnington Neighbourhood

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for the removal of the Holding Zone for lands located at 694 Upper James Street (PDC00181)

RECOMMENDATION:

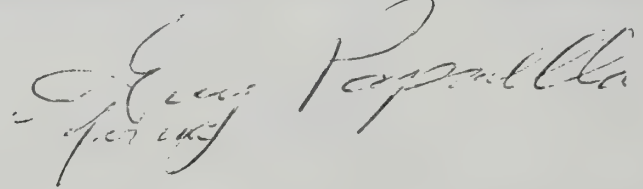
- A. That approval be given to Zoning Application ZAR-00-05, Bryan Leon, owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for a dentist's office and residential dwelling unit for lands located west of Upper James Street and south of McElroy Road West, and known municipally as 694 Upper James Street, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 92-244, and Zoning District Map W-8 for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to remove the 'H' (Holding) symbol for lands located west of Upper James Street and south of McElroy Road West, and known municipally as 694 Upper James Street, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) symbol was placed on the lands until such time as the following condition was satisfied:

- a) That the applicant has applied for and received Site Plan Approval.

Upon removal of the holding provision, the effect of the By-law is to permit the adaptive re-use of the existing building for a dentist's office on the first floor and a residential dwelling unit on the second floor.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board Approval is Not Required

As required by the Planning Act, Council shall pass a By-law to remove the 'H' (Holding) symbol when the conditions have been satisfied.

BACKGROUND:

Zoning By-law No. 92-244 – Implementation of City Initiative 92-D (Upper James Street Land Use Review)

In 1992, City Council passed By-law No. 92-244 which implemented the recommendations of the Upper James Street Land Use Review study. Specifically, the purpose of By-law 92-244 is to allow for limited commercial and institutional uses within the existing buildings located between 674 and 712 Upper James Street. The subject lands were rezoned to "H" – 'H' (Community Shopping and Commercial, etc. - Holding) District. In addition, the 'H' Holding symbol was applied to the subject lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

Site Plan Control Application 00-05

Site Plan Control Application 00-05 was approved on July 28, 2000 and the plans were finalized on October 18, 2000.

Site Plan Control Application 00-05 was for the conversion of the existing dwelling for use as a dental office and one residential dwelling unit. Specifically, the applicant is proposing a dental office of 55 m² (600 ft²) on the first floor and a residential dwelling unit on the second floor.

COMMENTS RECEIVED:

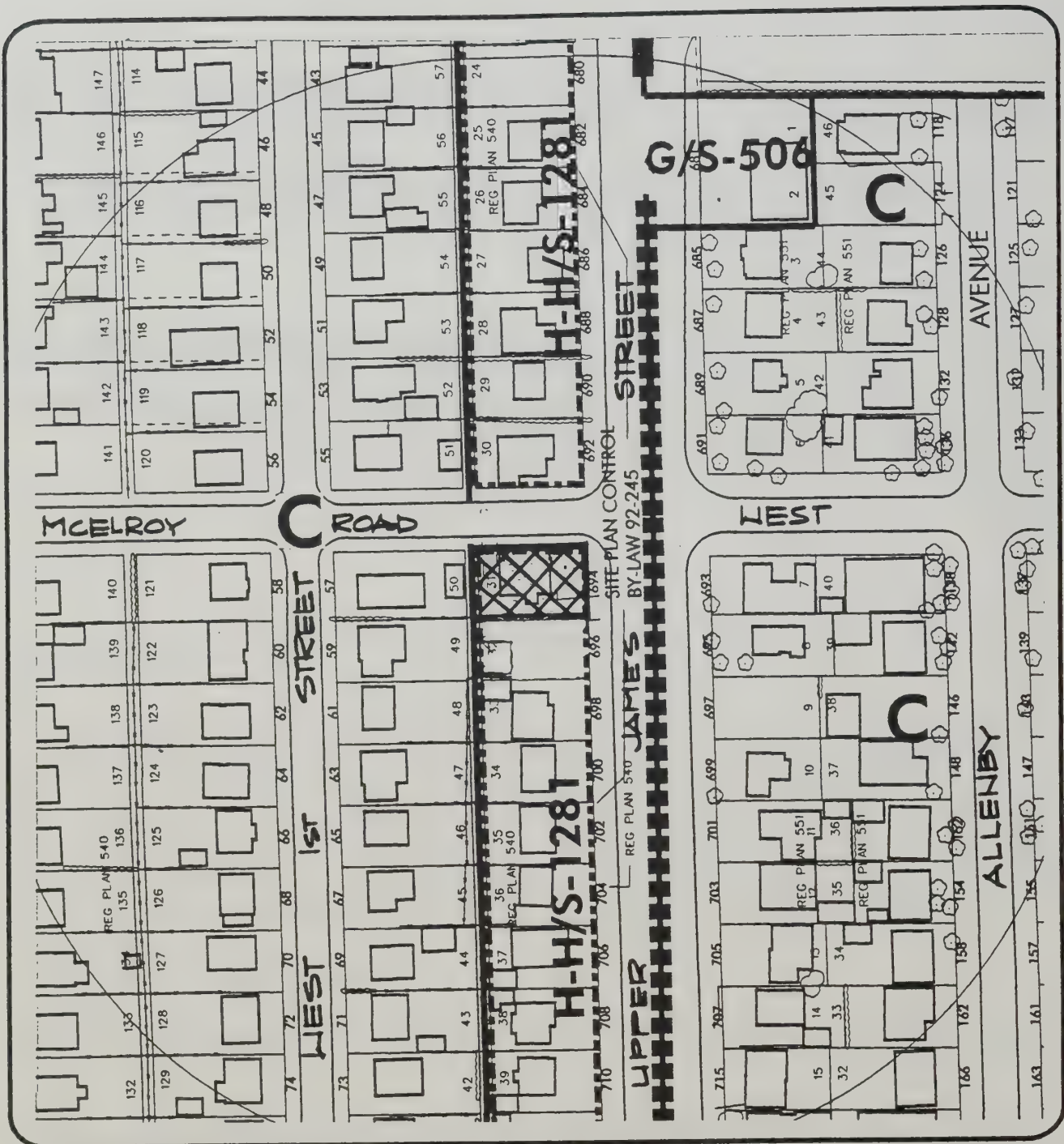
- The Building Department has advised that the proposed site plan complies with the applicable provisions of the Zoning By-law.

- The Traffic Division have advised that they have no objection to the removal of the 'H' (Holding) symbol.
- The Development Engineering Section, Land Development Department have advised that they have no objection to the removal of the 'H' (Holding) symbol.

CONCLUSION:

As the applicant has applied for and received approval for a Site Plan to permit the adaptive re-use of the existing building for a dentist's office on the first floor and residential dwelling unit on the second floor, the condition of the holding zone has been satisfied, then the application to remove the 'H' symbol can be supported.

ZA00-05.doc
SR/sr



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Site of the Application

Reference file:

ZAR-00-05

Scale
Not to Scale

Date
Feb., 2000

Technician:
B. B.

APPENDIX 'A'

CITY OF HAMILTON

4.4

- RECOMMENDATION -

DATE: October 12, 2000
CI-95-E

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Delegation of Approval Authority – Site Plan Control Applications
(PDC00176)

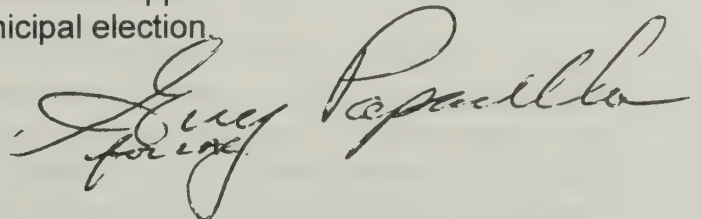
RECOMMENDATION:

That Corporate Counsel be authorized and directed to prepare the appropriate by-law to delegate the authority for approval of applications for Site Plan Control to the General Manager, Community Planning and Development Division and, in his or her absence, the Acting General Manager.

EXPLANATORY NOTE:

The purpose of the by-law is to delegate the authority for the approval of all Site Plan Control applications to the General Manager, Community Planning and Development Division, and, in his or her absence, the Acting General Manager.

The effect of the by-law is to provide for continued approval of all Site Plan Control applications after the November 13, 2000 municipal election.

A handwritten signature in black ink, appearing to read "Lee Ann Coveyduck", with a stylized flourish underneath.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

N/A

BACKGROUND:By-law No. 79-275 and By-law No. 87-223.

By-law No. 79-275 as passed by City Council on September 25, 1979, designated certain areas and classes of development within the City as being subject to Site Plan Control. By-law No. 87-223, passed by City Council on July 28, 1987, amended By-law No. 79-275, by changing the references to the Planning Act from Section 35a to Section 40 in keeping with changes to the Act.

Council Resolution – April 26, 1988

City Council, on April 26, 1988, passed a resolution authorizing the Chairman of the Planning and Development Committee and the appropriate Ward Alderman to approve Site Plan Control applications. This resolution also provided that, where considered appropriate by the designated signing authorities, the application would be forwarded to Planning and Development Committee for approval.

This procedure was put in to place to expedite the approval process. Prior to this process being implemented, Site Plan Control applications required the approval of the Planning and Development Committee.

COMMENTS:

The municipal election will be held on Monday, November 13, 2000. Presently, the Chairman of Planning and Development Committee and the Ward Alderman have delegated authority for approval of Site Plans. Staff want to ensure that Site Plan Control applications that are currently being processed and any new applications submitted, can be approved without a disruption in service to the development community following the elections.

Section 41(13)(b) of the Planning Act provides that the Council of a municipality may delegate by by-law, some of its authority in administering the site plan approval process to a Committee of Council or to an appointed officer of the municipality. In this regard, it would be appropriate for City Council to pass the appropriate by-law to delegate approval authority for Site Plan Control applications to the General Manager, Community Planning and Development Division, and, in his or her absence, the Acting General Manager.

It should be noted that on September 11, 2000 Council for the Town of Ancaster passed a by-law delegating approval authority of all Site Plan Control applications to the Acting Director of Planning and Building and Director of Engineering. It is understood that Stoney Creek, Dundas and Flamborough will be considering a similar delegation authority.

SUMMARY AND CONCLUSIONS:

Based on the foregoing, it is appropriate for City Council to pass the appropriate by-law to delegate authority for approval of Site Plan Control applications to the General Manager, Community Planning and Development Division, and, in his or her absence, the Acting General Manager. This will ensure continued service to the development industry following the municipal election.

CLF/

CI-95-E

CITY OF HAMILTON
- RECOMMENDATION -

DATE: September 28, 2000
OP-NEC

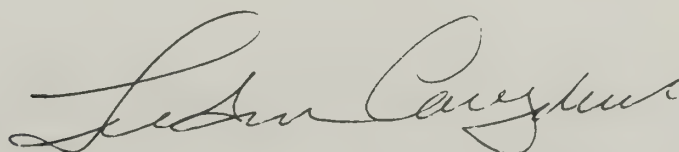
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Proposed Niagara Escarpment Plan Amendment PH/71/90
(Escarpment Link – Parkway Belt West) (PDC00168)

RECOMMENDATION:

- a) That the Municipal Clerk advise the Niagara Escarpment Commission that the City of Hamilton does not object to proposed Niagara Escarpment Plan Amendment PH/71/90; and,
- b) That the Municipal Clerk forward a copy of Report PDC00168 to the Niagara Escarpment Commission for their consideration.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board approval.

BACKGROUND:

In 1974 the Ontario Government created both the Niagara Escarpment Planning Area and the Parkway Belt West Planning Area. At that time, the two planning areas overlapped in the Regions of Hamilton-Wentworth and Halton, in an area known as the "Escarpment Link" in the Parkway Belt West Plan (PBWP). In 1975, the Escarpment Link area was under the jurisdiction of the PBWP. The implementation of these Plans was through regulations that superseded area municipal Zoning By-laws.

In 1989 the Province indicated a desire to transfer portions of the Escarpment Link within the PBWP back to the NEP. In 1991 the Province initiated amendments to these Plans to transfer the lands, but the process was delayed. In 1998 the Province reconfirmed its commitment to transfer the areas. Accordingly, the Niagara Escarpment Commission (NEC) initiated an Amendment to the NEP encompassing portions of the Escarpment Link area in the Parkway Belt West Planning Area throughout the Regions of Hamilton-Wentworth and Halton. Included in this amendment is a small land area within the City of Hamilton (see Appendix "A" and "B").

PURPOSE OF AMENDMENT:

The lands in the City of Hamilton affected by this amendment are located in the northerly portion of the Westdale North and the Cootes Paradise "A" and "B" neighbourhoods immediately adjacent to Cootes Paradise. The proposed amendment will place these lands within the Niagara Escarpment Plan as shown on Appendix "B" with the following land use designations:

- Escarpment Rural Area
- Escarpment Natural Area
- Escarpment Protection Area

The specific location of each of these designations reflects the topography of the land and/or the existing land use activities. For example, Churchill Park and the RBG Aviary are designated as "Escarpment Rural", which is a reflection of the existing uses on the lands and that they provide a buffer to the more ecologically sensitive areas closer to Cootes Paradise.

All of the lands that are part of the proposed Amendment are currently designated as "Open Space" in the Official Plan. Further, the majority of the lands, i.e., Cootes Paradise and the Royal Botanical Garden are identified as "Hazard Lands" and are designated as an "Environmentally Sensitive Area".

COMMENT:

The proposed Amendment is primarily a mapping exercise to establish new land use designations and new development policies as a result of the transfer of the subject lands from the jurisdiction of the PBWP to the NEP.

The proposed NEP land use designations and associated policies are consistent with the current PBWP designations and policies which is to preserve and protect the Niagara Escarpment and associated natural features. Therefore, there will be no significant change or impact in terms of planning control or responsibility for these lands.

The Hamilton Official Plan presently designates the subject lands as "Open Space". As well, large portions are designated as "Hazard Lands" and as an Environmentally Sensitive Area. Since the majority of the subject lands are proposed to be designated "Escarpment Natural Area" in the NEP, there is no conflict with the intent of the Official Plan. In fact, the inclusion of these lands within the NEP will strengthen the long-term protection of these lands for open space purposes.

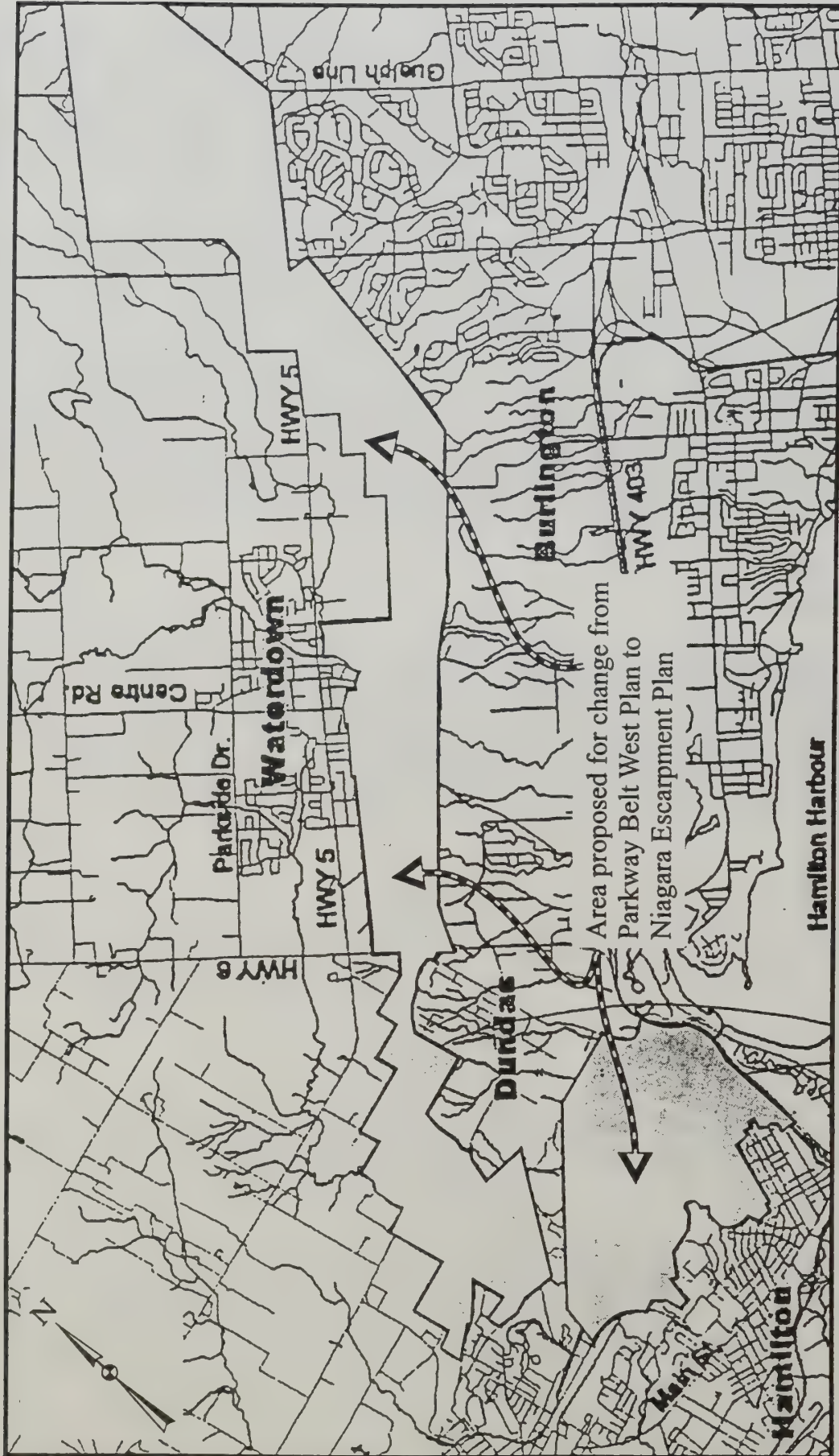
In terms of implementation, the amendment will result in development applications in these areas being processed through the Niagara Escarpment Development Permit process administered by the Niagara Escarpment Commission, as opposed to the current PBWP regulations administered by the Ministry of Municipal Affairs and Housing. This is considered an improvement to the planning process since the NEC and staff is more accessible and familiar with this area. However, in the City of Hamilton context this will not be an issue as all of the lands affected by the Amendment are already under public ownership and the Escarpment Natural Area designation, which applies to the vast majority of the affected lands, effectively prohibits any form of development.

CONCLUSION:

Proposed Niagara Escarpment Plan Amendment No. 71 is consistent with the current land use controls under the Parkway Belt West Plan and the City of Hamilton Official Plan. The effect of the amendment will be to strengthen the long-term protection of these lands for open space uses. On this basis, it is appropriate to advise the Niagara Escarpment Commission that the City of Hamilton does not object to the proposed Amendment.

KE/ke

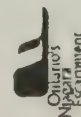
Proposed Niagara Escarpment Plan Amendment Number 71





Ontario

Figure 1
Proposed Amendment 71
Life Science ANSI's and Wetlands



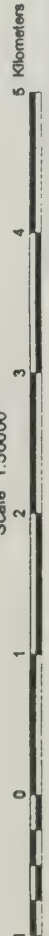
- Proposed Amendment Boundary
- Life Science ANSI
- Wetland*

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area

- Escarpment Urban Area
- Mineral Resource Extraction Area
- Public Land (in Parks and Open Spaces System)

The Niagara Escarpment Plan designates boundaries for the Niagara Escarpment and the Niagara Escarpment System. The boundaries are subject to confirmation through the Interpretation of Boundaries section of the Niagara Escarpment Plan. This map is not a legal document. It is for informational purposes only. Only class 1 wetlands shown within the Hamilton - Wentworth area.

Scale 1:50000



Map Produced: April 13, 2000
Vector Data Source: 1999 MNR NRVS 1:10,000 Database

4.6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: October 12, 2000
A-99:180

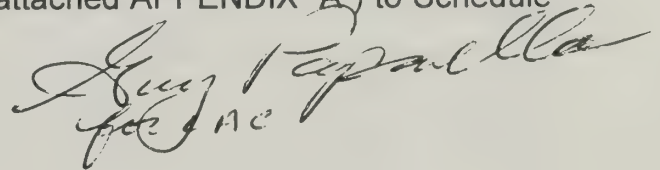
REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Lands to be Placed Under Site Plan Control – 88 Fennell Avenue
West (PDC00175)

RECOMMENDATION:

That the Director, Land Development Department, Community Planning and Development be authorized and directed to prepare for presentation to Council a by-law to amend Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, by adding the lands at 88 Fennell Avenue West (see attached APPENDIX "A") to Schedule "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

N/A

BACKGROUND:

The Committee of Adjustment, at their meeting of September 15, 1999 approved Minor Variance Application A-99:180 to permit the existing convent buildings and adjacent lands to be used for several commercial uses and residential uses notwithstanding:

- A medical clinic is not permitted;
- A lodging house for forty-four (44) residents as a temporary use is not permitted;
- Two principle buildings used for residential purposes on the same lot is not permitted; and,

- To further reduce the joint medical clinic and lodging house parking to a minimum of forty-five (45) parking spaces instead of the required ninety-five (95) parking spaces for joint uses.

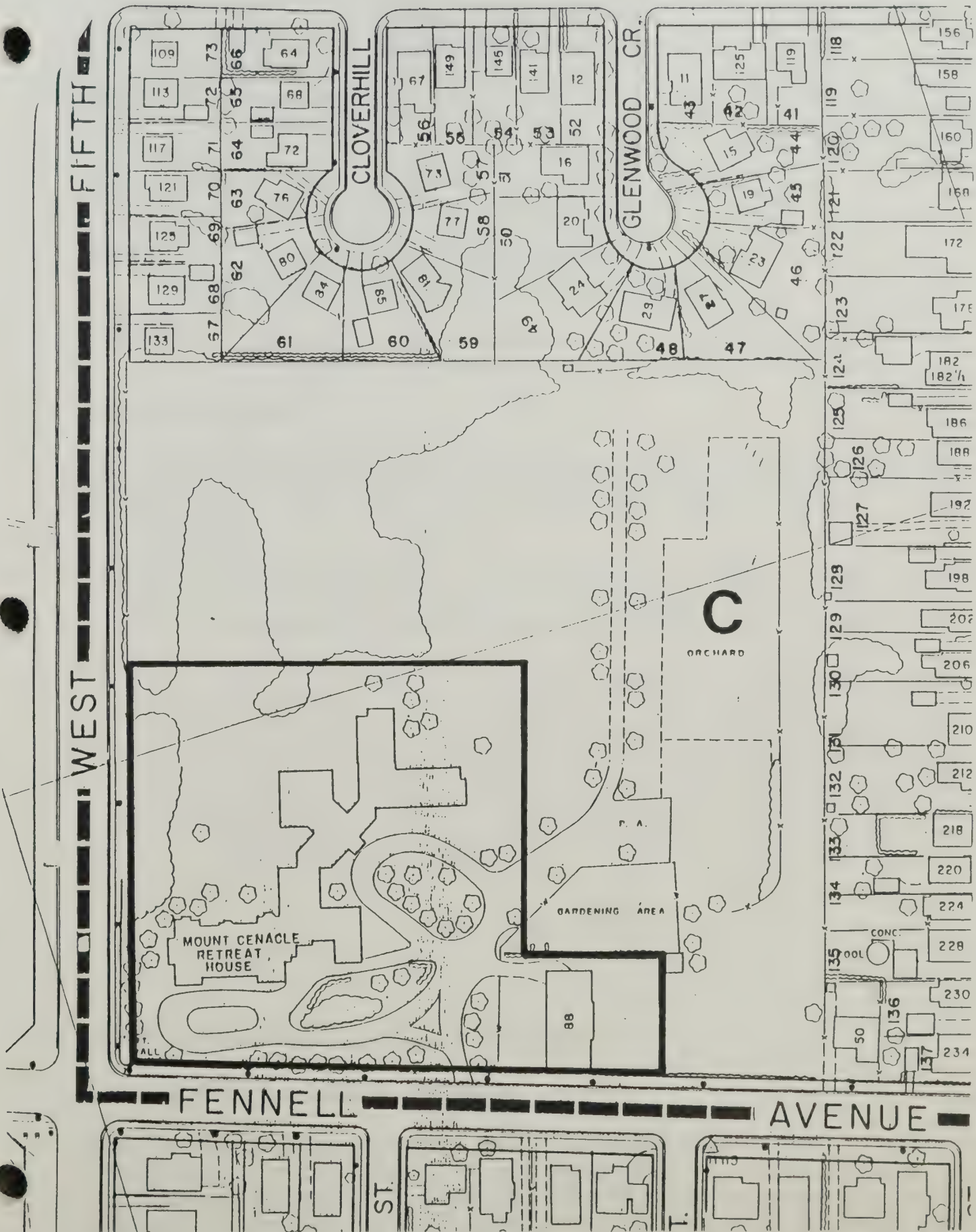
Planning staff comments supported the variances subject to, amongst other things, the subject lands be placed under Site Plan Control. The Committee of Adjustment approved the application subject to, amongst other conditions, the subject lands being placed under Site Plan Control.

SUMMARY AND CONCLUSION:

Based on the foregoing, it is appropriate that a by-law be prepared and presented to Council, to amend Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, by adding the lands at 88 Fennell Avenue West to Schedule "A".

CLF/

A-99:180



**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: October 6, 2000
CI-95-E

REPORT TO: Chairman and Members
Planning and Development Committee

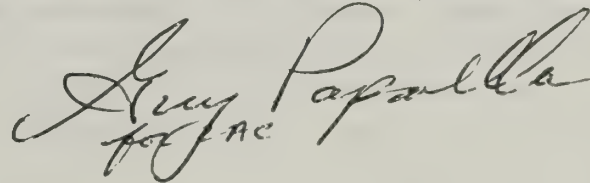
FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Revision to Council Resolution Regarding Streamlining of Land
Development Department Approvals Processes (PDC99153A)

RECOMMENDATION:

That Item 11.(f). of the Twenty-sixth Report of the Planning and Development Committee, as adopted by City Council on December 14, 1999, be deleted in its entirety and replaced with the following:

- "11.(f).a) That Item 23 of the 42nd report of the Board of Control approved by City Council on 1975 September 30 which authorizes the Mayor and Municipal Clerk to execute City modified subdivision agreements be DELETED; and
- b) That the Mayor and Municipal Clerk be authorized and directed to execute City subdivision agreements and/or modified subdivision agreements, which are required as a condition of development approval arising out of development applications regulated by the Ontario Planning Act, providing such agreements are in a form satisfactory to the Corporate Counsel and construction of services under the agreement do not require any City cost sharing or, the City's share of construction cost has been approved in the Capital Budget for the City."



Amy Papallla
for JAC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

Based on the Community Planning and Development Division Restructuring and Business Plans, there are a number of streamlining measures which need to occur in order to maintain service levels in a cost-efficient manner. The recommended course of action leads to more assignments of mainly routine consent items which require very little discussion, if any, at the Standing Committee and Council level. Also, standardized

Council policy and procedures are in place for staff to follow without direct consultation with Council. In addition, all statutory (i.e. Planning Act) requirements will be complied with and all public notification procedures will be maintained.

Moreover, there are economic and competitive advantages (i.e. time for approvals, positive image, proactive, customer friendly) which will accrue to the City which would keep us in step with other surrounding municipalities in the Halton and Peel areas.

Adoption of the above recommendation involves City construction expenditures which have been previously approved and will reduce administration costs and streamline the approval process.

BACKGROUND:

Planning and Development Committee, at its meeting of December 8, 1999, approved the staff recommendations regarding the assignments of mainly routine consent items to staff. The recommendations of the Planning and Development Committee were adopted by City Council at its meeting of December 14, 1999 (see APPENDIX "A").

Recommendation 11.(f), as adopted by Council, delegates the approval of engineering schedules, cost sharing arrangements and the associated subdivision agreements to the General Manager, Community Planning and Development Division, or designate, as an assigned signing officer for the City of Hamilton.

The Development Engineering Section has advised that a revision to the December, 1999 approvals is required because the recommendation does not take into consideration any previous approvals granted by Council which will be superseded by this delegated authority; it does not address or consider the approved capital budget from which subdivision financing is previously approved by Council in that the Development Engineering Section cannot approve engineering schedules which require financing over and above what has been approved by Council in the capital budget which was the basis of the argument in the background of the original report; and, that the General Manager of the Community Planning and Development Division is not a signing officer for the Municipal Corporation.

BASIS FOR PROPOSED CHANGE:

City Council approves all draft plan conditions for subdivision applications within the City of Hamilton. In approving each subdivision application, Council endorses a standard condition, which requires a developer to execute a subdivision agreement with the City of Hamilton. As Council has approved the requirement to enter into a subdivision agreement, it should not be necessary for staff to seek further Council approval to authorize the City's signing officers to execute a subdivision agreement. By executing a subdivision agreement staff are carrying out Council's direction from the draft plan approval stage.

Similarly, with regard to subdivision cost sharing by the City, Council approves a budget for all City expenditures each year. Part of the budget includes an approved amount for the City's share of servicing costs in subdivisions (City's Share of Services Through Unsubdivided Lands Reserve). Therefore, if Council has previously approved an amount to be spent on subdivision construction for a particular year, it should not be necessary for staff to seek further Council approval for the City's share of construction in each subdivision that is developed in the same year, provided the amount of the City's share in each subdivision is within the approved capital budget amount. If the amount of the City's share of construction in subdivisions were to exceed the approved capital budget, then staff would seek Council approval for the additional expenditure.

Approval of development construction costs and execution of the subdivision agreement are generally routine in nature and historically Council has regularly approved these items.

In 1996 Regional Council granted authorization for the Region's signing officers to execute the Region's development agreements and cost share for construction based on the same criteria recommended in this report with no further approval by Council. This helped to expedite the subdivision agreement process by eliminating delays of up to six weeks, between council dates. The process on the Regional side has worked very well with no problems occurring financial or otherwise. In order to keep Council informed of all development agreements entered into by the corporation, development staff prepares a quarterly information report for review by Council.

CONCLUSION:

The revision to City Council's resolution with respect to the streamlining of the Land Development Department Approvals Process is in accordance with Council's approval of the detailed best practises review of planning and development engineering operations undertaken in 1999 to identify streamlining measures to increase efficiencies of operations and harmonize practises between City and Regional functions. As such, the matter is minor in nature.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-SIXTH** Report for 1999 and respectfully recommends:

“11. Streamlining of Land Development Approvals Processes (PDC99153)

- (a) That the General Manager, Community Planning and Development Division, or designate, be delegated consent granting authority for those applications for consent that are for the purpose of creating servicing or maintenance easements;
- (b) That the General Manager, Community Planning and Development Division, or designate, be assigned the authority to grant a provisional consent, in accordance with the Planning Act and regulations thereunder, where the application complies with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593 and the application is not in dispute or where any dispute is resolved without a hearing;
- (c) That the General Manager, Community Planning and Development Division, or designate, be granted the authority to prepare and present to City Council by-laws to exempt lands from Part Lot Control where the exempting by-law is required to implement the conditions of draft plan approval;
- (d) That the General Manager, Community Planning and Development Division, or designate, be granted authority to recommend conditions of draft plan approval for plans of condominium for new development;
- (e) That the General Manager, Community Planning and Development Division, or designate, be authorized to recommend approval for applications for the extension of a draft approved plan of subdivision or condominium;
- (f) That the approval of engineering schedules, cost sharing arrangements and the associated subdivision agreements be delegated to the General Manager, Community Planning and Development Division, or designate, as an assigned signing officer for the City of Hamilton;
- (g) That in those circumstances where the owner of a subdivision wishes to proceed with construction of the required infrastructure in accordance with the conditions of Draft Plan Approval for a Plan of Subdivision prior to final execution of a subdivision agreement with the City, that the owner be allowed to do so at their own risk provided that they enter into a standard pre-servicing agreement with the City of Hamilton;

- (h) That the Mayor and Municipal Clerk be authorized and directed to execute City Pre-Servicing agreements, providing such agreements are in a form satisfactory to the Corporate Counsel;
- (i) That the amount of 5% payment as cash-in-lieu of parkland dedication in subdivisions be calculated by the Property Department and collected through subdivision agreements without submission to Council;
- (j) That the General Manager, Finance, or his/her designate, be authorized and directed to close Subdivision Capital Project accounts, upon notice from the General Manager, Community Planning and Development, or his/her designate that all payment of all servicing costs from these accounts are complete and no further payments by the City are required;
- (k) That the General Manager, Finance, or his/her designate, be authorized and directed to transfer all excess funding from closed Subdivision Capital Project accounts to the original source of funding; and,
- (l) That the General Manager, Community Planning and Development Division, be authorized and directed to prepare a monthly status report with respect to the above mentioned items in terms of activity in these delegated functions."

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: October 5, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: M. Hazell, Acting Commissioner
Department of Public Works and Traffic


SUBJECT: Eleventh Annual Public Service Announcement (PWT00175)

RECOMMENDATION:

- (a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Eleventh Annual Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Bryan Negrijn
Second Prize: Andrew Walker
Third Prize: David Syrie

- (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700, second prize at \$500, and third prize at \$300 and a donation to Mohawk College Media Studies Department of \$1000 for development of the videos and use of equipment.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Transition Board approval is not required for this report.

Funds are available in Phase IV of the Downtown Hamilton Action Plan Account Number COHAM 54350-428803006.

Eleventh Annual Public Service Announcement (PWT00175)

BACKGROUND:

City Council at its meeting held November 9, 1999 approved the Eleventh Annual Public Service Announcement Competition at a total cost of \$2,500 to be funded from the Downtown Action Plan Phase IV.

In co-operation with Mohawk College's Media Studies Department, the Keep Hamilton Clean Committee and most recently Cable 14, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Program since 1989. The theme for the Public Service Announcement is to keep Hamilton clean. Cable 14 will air, free of charge, the winning P.S.A. on a regular basis. A strong partnership between the City of Hamilton, Mohawk College, Cable 14 and the Keep Hamilton Clean Committee has proven a successful tool in providing the public with the message to keep our city clean.

c.c. K. Wallis Mohawk College, Media Studies Department
R. Brugnano, Keep Hamilton Clean Committee

CITY OF HAMILTON

- RECOMMENDATION -

DATE: October 16, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: M. Hazell, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: Westdale Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001
(PWT00178)

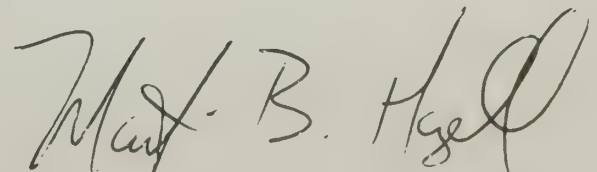
RECOMMENDATION:

- (a) That the 2001 operating budget for the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$45,000; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2001 be approved:

January	\$15,000
April	\$10,000
July	\$10,000
October	\$10,000

Note: 2000 assessment appeals may be deducted from 2001 levy payments; and,

- (d) That Transition Board approval is required for this report.



**Westdale Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT00178)**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is required for this report.

The \$45,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held October 11, 2000, the Westdale Village B.I.A. adopted a 2001 operating budget of \$45,000. The process followed to adopt the Westdale Village B.I.A.'s 2001 budget was in accordance with the B.I.A.'s constitution.

c.c. Mary Beth Ledden, Chairperson
Westdale Village B.I.A.

Anna Apkarian, Supervisor of Tax Administration/Banking

Westdale Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT00178)

APPENDIX 'A'

WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA'S

2001 BUDGET

Rent	\$ 1,200
Insurance	\$ 1,600
Wages, B.I.A.	\$10,000
Board Expense	\$ 1,200
Audit	\$ 350
Annual General Meeting	\$ 400
Plant Maintenance & Area Care	\$ 2,250
Event Promotions	\$20,000
Advertising Area as a Destination	<u>\$ 8,000</u>

TOTAL BUDGET \$45,000

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: October 19, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: M. Hazell, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: **International Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001
(PWT00186)**

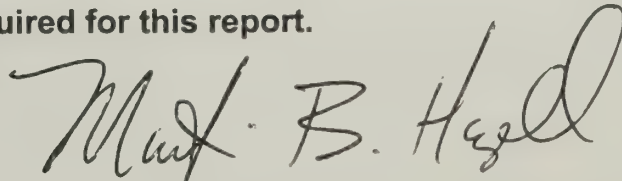
RECOMMENDATION:

- a) That the 2001 operating budget for the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$70,000; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2001 be approved:

January	\$35,000
July	\$35,000

Note: 2000 assessment appeals may be deducted from the 2001 levy payments; and,

- d) **That the Transition Board's approval is required for this report.**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The \$70,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

The Transition Board's approval is required for this report.

**International Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT00186)**

BACKGROUND:

At its Annual General Meeting held October 18, 2000, the International Village B.I.A. adopted a 2001 operating budget of \$70,000. The process followed to adopt the International Village B.I.A.'s 2001 budget was in accordance with the B.I.A.'s constitution.

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Anna Apkarian, Supervisor of Tax Administration/Banking

APPENDIX 'A'

**INTERNATIONAL VILLAGE
BUSINESS IMPROVEMENT AREA'S**

2001 BUDGET

OPERATIONS:

Rent	\$ 8,400
Utilities	\$ 2,500
Phone/Fax	\$ 1,800
Office Supplies	\$ 1,500
Equipment Purchases	\$ 2,500
Bank Charges	<u>\$ 400</u>

Sub-Total \$17,100

WAGES:

Executive Director	\$31,000
Wage Costs	<u>\$ 3,410</u>

Sub-Total \$34,410

MISCELLANEOUS:

Insurance	\$ 1,400
Audit	\$ 440
Printing & Postage	\$ 1,500
Advertising/Promotion	<u>\$12,650</u>

Sub-Total \$15,990

Contingency \$ 2,500

TOTAL \$70,000

CITY OF HAMILTON

- RECOMMENDATION -

DATE: October 19, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: M. Hazell, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: Concession Street Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001
(PWT00187)

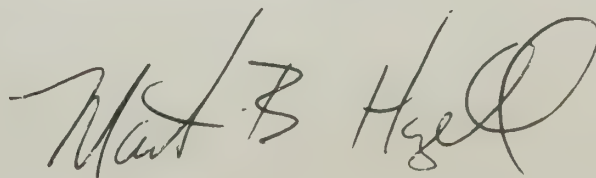
RECOMMENDATION:

- a) That the 2001 operating budget for the Concession Street B.I.A. (attached as Appendix 'A') be approved in the amount of \$26,150; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2001 be approved:

January	\$6,537.50
April	\$6,537.50
July	\$6,537.50
October	\$6,537.50

Note: 2000 assessment appeals may be deducted from the 2001 levy payments; and,

- d) That the Transition Board's approval is required for this report.



**Concession Street Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT00187)**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$26,150 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

The Transition Board's approval is required for this report.

BACKGROUND:

At its Annual General Meeting held October 17, 2000, the Concession Street B.I.A. adopted a 2001 operating budget of \$26,150. The process followed to adopt the Concession Street B.I.A.'s 2001 budget was in accordance with the B.I.A.'s constitution.

c.c. Betty Toplack, Chairman
Concession Street B.I.A.

Anna Apkarian, Supervisor of Tax Administration/Banking

Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payment for 2001 (PWT00187)

APPENDIX 'A'

**CONCESSION STREET
BUSINESS IMPROVEMENT AREA'S**

2001 BUDGET

Advertising and Promotion:

Installation & Storage of Christmas Decorations	\$ 3,000
Hydro-Christmas Lights	\$ 850
Streetfest & Corn Roast	\$ 8,600
Christmas, Bunny Hunt, Halloween, Newsletter	\$ 2,200

Administration:

Office supplies, stamps, envelopes, printing, newsletter	\$ 1,000
Insurance	\$ 950
Accounting Auditor	\$ 350

Other:

Wine & Cheese, Business to Business	\$ 700
Clean Sweep, Miscellaneous	\$ 500
Co-op advertising	\$ 2,000
Staff Contract	\$ 6,000

TOTAL **\$26,150**

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: October 17, 2000

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, attached hereto, be received for information purposes:

- (a) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (eighth report) (PDC99088H) dated October 11, 2000.
- (b) General Manager, Community Planning and Development Division re: Ontario Municipal Board Decision on the City's Draft By-law to Regulate Rendering Plants (PDC00177) dated October 12, 2000.
- (c) Corporate Counsel re: Litigation Matter-Private and Confidential (LS00022) dated October 13, 2000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of these recommendations to receive these documents will ensure that the circulation procedure is recorded for these matters.

(a)

CITY OF HAMILTON

- INFORMATION -

DATE: 2000 October 11
(ZAC 97-09)

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: 195 Ferguson Avenue North – Implementation of the Wesley OMB
Decision (eighth report) (PDC 99088H)

BACKGROUND:

Wesley Community Advisory Committee Meetings

An explanation of the Wesley OMB decision was provided in an Information report dated July 19, 1999. Condition No 8 of the decision required *the Community Advisory Committee (to) report to an appropriate City Council Committee*

Notwithstanding the OMB decision is under appeal, the Wesley Community Advisory Committee meets regularly; however, the meetings have changed from once a month to bi-monthly.

This is the eighth report respecting this matter. APPENDICES "A", "B" and "C" contain the May, June and July 2000 minutes, respectively, of the Wesley Advisory Committee meeting.

Additional meetings will be held to deal with the various conditions.

JHE

cc. Ald. Andrea Horwath
Ward 2

John Spolnik
Building Department

Nancy Smith
Legal Services

Carmen Bian
Social Services and Public Health Division

MINUTES OF MEETING MAY 25, 2000

COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES— EMERGENCY NIGHT TIME DROP-IN PROGRAM

PRESENT:	ORGANIZATION
Sandra Rogers Paul Johnsons Tosh Namba Doris Anderson & Barbara Laing Joanne Hickey-Evans Carmen Rachelle Bian (non-voting)	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton Social & Public Health Services—Staff Resource
REGRETS:	
Richard Gillespie Councillor Ron Corsini Bonnie McAllister	Beasley City of Hamilton Wesley Community Homes
OBSERVERS (ALL NON-VOTING):	
Lindy Barz Tammy Retzer	Merdian Co-op Meridian Co-op

1) **APPROVAL OF THE MINUTES: APRIL 27, 2000**

Moved by Hickey-Evans and seconded by Anderson that the Minutes of April 27 2000 be approved as amended.

CARRIED.

2) **OMB DECISION (APRIL 28, 2000):**

- ♦ The long awaited decision has been received by all parties
- ♦ A question arose as to why comments were made in a newspaper article from both Wesley Urban Ministries and the City when the last CAC Minutes indicate that all responses to the media would be co-ordinated
- ♦ Both the City and Wesley representatives replied that a comment was provided for the newspaper article because these parties have put forward a request to appeal the conditions in the April 28, 2000 OMB decision

3) FUTURE ROLE & MEETINGS OF THE COMMUNITY ADVISORY COMMITTEE:

- ♦ All of the representatives present at the CAC meeting agreed that although the OMB decision has been issued and some parties are seeking an appeal of the decision, the Wesley Community Advisory Committee will continue to meet on a month basis
- ♦ This decision is in keeping with one of the conditions outlined in the OMB decision
- ♦ Since the current scheduling of the meeting conflicts with another commitment, Wesley Urban Ministries has requested that future meetings be re-scheduled to avoid the conflict

3) UPDATES: WESLEY URBAN MINISTRIES

- ♦ Loitering signs specific to both the day and night time program have been posted limiting the number of persons who can smoke outside of the drop in. During the day a maximum of ten individuals are allowed outside, while after 9:00 p.m. that number is limited to two
- ♦ When the numbers exceed the maximums specified on the signs, staff and security guards will talk to individuals to have the numbers brought back down
- ♦ WUM has noted a gap in their policy with respect to Sunday lunch times. In the past, individuals were requested to wait outside while the dining area was set up. This policy has been revised so that individuals are not required to wait outside at these times
- ♦ WUM is in the process of having more concrete drawings completed for the enclosed ventilated smoking area. A structural issue difficulty has been noted and needs to be addressed prior to the completion of the drawings
- ♦ A "Client Committee" for the Drop In program has been advised of the new rules and have offered feedback with respect to loitering issues
- ♦ There was some discussion regarding the wording of the OMB condition with respect to the smoking room and WUM is seeking clarification from the Board as to whether or not the smoking room can be an addition to the existing building or whether it must be contained within the current square footage
- ♦ WUM was asked to review what is available to drop in program participants. Paul Johnson briefly reviewed the services with the group. A need for literacy programs, aside from the current library program offered, is a potential area for expansion
- ♦ WUM will be hiring a Senior Manager shortly to act as "Assistant to the Executive Director" and be responsible for WUM programs
- ♦ A United Church Minister will also be hired
- ♦ The CAC agreed that in the Complaints Log rather than identifying a separate column for time of incident, that this data could be included in the descriptive section of the complaint
- ♦ WUM agreed to follow-up on issues related to the Complaints Form as discussed at the last CAC meeting
- ♦ The Wesley Community Homes Tenants Association have expressed a concern for the joint entrance proposed in the OMB decision

WESLEY COMMUNITY HOMES

- ♦ WCH will not be appealing the decision, but its tenants are affected
- ♦ Tosh will be seeking further clarification with respect to the structural issues related to central air conditioning at Meridian Co-op
- ♦ Lindy Barz offered some additional information with respect to the heating system at Meridian and Tosh agreed to follow up both with the engineer who provided the initial information and with Honeywell who actually put in the heating system at Meridian

5) NEXT MEETING:

THURSDAY, JUNE 29, 2000

MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM

9:30 TO 12:00 REGRETS ONLY TO CARMEN BIAN @ 546-2187

MINUTES OF MEETING JUNE 29, 2000

COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES— EMERGENCY NIGHT TIME DROP-IN PROGRAM

PRESENT:	ORGANIZATION
Sandra Rogers Paul Johnson Lorna May Doris Anderson & Barbara Laing Joanne Hickey-Evans Carmen Rachelle Bian (non-voting)	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton Social & Public Health Services—Staff Resource
REGRETS:	
Richard Gillespie Councillor Ron Corsini Bonnie McAllister	Beasley City of Hamilton Wesley Community Homes
OBSERVERS (ALL NON-VOTING):	
Bonnie McAllister	Wesley Community Homes

1) APPROVAL OF THE MINUTES: MAY 25, 2000

Moved by Anderson and seconded by Laing that the Minutes of May 25, 2000 Minutes be approved.

CARRIED.

2) UPDATES: WESLEY URBAN MINISTRIES

- ♦ Paul circulated a memo to the committee members indicating that Denise Scott, the new Assistant Executive Director, will be the main WUM representative on the Community Advisory Committee beginning in July, 2000
- ♦ A summary of complaints received by WUM for June 2000 was circulated to the committee
- ♦ The issue of "numbers" of clients from the Drop-In being allowed outside a time to smoke raised at the last committee meeting was discussed again today. There was acknowledgement on behalf of WUM that although there have been some improvements in this area, more work still needs to be done

- ♦ Committee members noted the continuing issues with the property across the street from the Drop-In and it was suggested that the owners of the property (Hotz) be requested to post no loitering signs

ACTION: Carmen to send a letter on behalf of the committee to Hotz making a request that "No Loitering" signs be posted in the vacant land directly across from the Drop-In

- ♦ Preliminary drawings for the smoking area have been complete, but issues with respect to final square footage and location remain issues at this time
- ♦ WUM suggested that a smaller group with representatives from both Meridian and WUM meet to fine tune the Complaints procedure and to revise the wording of the Complaints Form. Committee members agreed as long as the final product is brought back to the CAC for final approval
- ♦ A question arose as to whether external community incidents should be noted in the Complaints Log. The committee decided that all significant critical incidents that take place outside of the Drop-In should be entered in the Complaints Log
- ♦ Committee members raised the issue of security guards still taking the elevator down floors instead of walking down the stairwell. Paul Johnson agreed to follow-up
- ♦ The issue as to whether or not security guards should socialize with the clients of the Drop-In was also discussed

WESLEY COMMUNITY HOMES

- ♦ The name of the Honeywell contact person was not forwarded by Lindy Barz as agreed upon at the last meeting. Barbara Laing agreed to follow up and ensure that the contact name is forwarded on
- ♦ There is still difficulty obtaining specific information on the air conditioning and the person who is to provide this information is now on holidays until July 7, 2000

3) NEXT MEETING:

THURSDAY, JULY 27, 2000
MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM
9:30 TO 12:00 REGRETS ONLY TO CARMEN BIAN @ 546-2187

APPENDIX "C"

MINUTES OF MEETING JULY 27, 2000

(as amended)

COMMUNITY ADVISORY COMMITTEE – WESLEY URBAN MINISTRIES— EMERGENCY NIGHT TIME DROP-IN PROGRAM

PRESENT:	ORGANIZATION
Sandra Rogers Denise Scott Tosh Namba Barbara Laing Joanne Hickey-Evans & Councillor Ron Corsini Carmen Rachelle Bian (non-voting)	Beasley Neighbourhood Association Wesley Urban Ministries\Wesley Community Homes Meridian Co-operative City of Hamilton Social & Public Health Services—Staff Resource
OBSERVERS (ALL NON-VOTING): Lindy Barz Bonnie McAllister	Meridian Co-op Wesley Community Homes

1) **APPROVAL OF THE MINUTES: JUNE 29, 2000**

Moved by Hickey-Evans and seconded by Laing that the Minutes of June 29, 2000 Minutes be approved.

CARRIED.

3) **OMB APPEAL UPDATE:**

The appeal for the Divisional Court was heard on July 21. The City and Wesley were granted leave to appeal.

4) **UPDATES: WESLEY URBAN MINISTRIES**

- ♦ Denise circulated a summary of the complaints received in the last month.
- ♦ Committee members discussed a process for including in the complaints log any serious external incidents that take place in the area surrounding the drop-in

- ♦ It was clarified that the date and time on the complaints form refer to the date that the incident report was received. The group discussed whether the date should reflect the actual date of the incident
- ♦ Structural changes will be put on hold pending the outcome of the appeal, but WUM will still deal with security and loitering issues as they relate to the ENTDI
- ♦ Drawings for the smoking room are now complete, but awaiting clarification regarding square footage from the OMB and whether the smoking room was to be within the confines of the existing building or an addition.
- ♦ Since the appeal is now pending, committee members discussed the relevance of having the Wesley Community Advisory Committee continue to meet on a monthly basis. It was suggested that in the interim, bi-monthly meetings of the CAC would likely suffice if WUM and Meridian would continue to meet on community complaints

MOTION: Moved by Namba and seconded by Hickey-Evans that the Wesley Community Advisory Committee commence meeting bi-monthly starting in September, 2000 until further notice.

Carried.

MOTION: Moved by Laing and seconded by Hickey-Evans that the Wesley Community Advisory Committee sub-committee (the Critical Issues Group) continue to meet monthly and report back to the CAC at each meeting.

Carried.

WESLEY COMMUNITY HOMES

- ♦ The engineer who was to provide some relevant technical data related to air conditioning at Meridian Co-op is in Europe and remains unavailable for further consultation. Tosh agreed to follow-up for the next meeting.

5) OTHER ITEMS:

- A. The letter to Hotz Environmental regarding loitering signs was sent.
- B. Media issues. The group initiated a discussion on media relations, but the discussion could not continue due to the loss of quorum at this point in time in the meeting. This item will be addressed on the next CAC agenda.

5) NEXT MEETING:

**THURSDAY, SEPTEMBER 28, 2000
MERIDIAN CO-OP, 185 FERGUSON AVE N, BOARDROOM
9:30 TO 12:00 REGRETS ONLY TO CARMEN BIAN @ 546-2187**

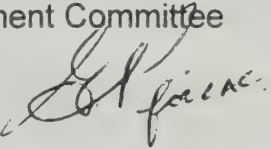
CITY OF HAMILTON

(b)

- INFORMATION -

DATE: October 12, 2000
CI-96-H

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck 
General Manager
Community Planning and Development Division

SUBJECT: Ontario Municipal Board Decision on the City's Draft By-law to
Regulate Rendering Plants (PDC00177)

BACKGROUND:

The Ontario Municipal Board, on June 12, 1998, issued its decision on an appeal by the Hamilton Harbour Commissioners and Paletta International Corporation on a by-law City Council had passed to delete rendering plants as a permitted use in the "K" and "KK" Districts. The Board allowed the appeal, but directed the City to prepare a draft by-law to include the following: a minimum setback for rendering plants of 300 m from "sensitive land uses"; a definition of "sensitive lands uses"; require all facets of storage, handling and processing be indoors; and, other housekeeping modifications. The Board withheld its order pending receipt of an acceptable draft by-law.

The City drafted the by-law (see attached APPENDIX "A") in accordance with the Board order. The draft by-law permits rendering plants in the "K" and "KK" District and includes the following provisions, amongst others:

- Definitions for "dead stock", "sensitive land uses" and "third party rendering materials";
- A minimum radial separation distance of 300 m between rendering plants and "sensitive land uses" as defined;
- Facilities for receiving, storing, handling and processing to be completely contained and enclosed in a building including loading and unloading;
- All side and rear yards to be screened with a 1.2 m to 2.0 m visual barrier;
- All facilities to maintain negative air pressure;
- All receiving areas to be refrigerated and contain pollution control devices;
- All facilities were to not receive dead stock or third party rendering; and,

- Liquid waste to be directed to sanitary sewers and collection in lagoons to be prohibited.

Paletta International Corporation however, expressed concern with several aspects of the draft by-law including the definition of "sensitive land uses" and the interpretation of the minimum 300 m radial separation distance between rendering plants and sensitive land uses. Based on these concerns, they requested the Board to hear their position. Accordingly, a brief hearing was held July 10, 2000.

The Board issued a decision on this matter on September 29, 2000, (see attached APPENDIX "B"). In summary, the decision supports the City's definition of "sensitive land uses" and the interpretation of the minimum 300 m radial separation distance between rendering plants and sensitive land uses. In addition, the Board agrees the other regulations proposed, including requirements for a visual barrier, negative air pressure, refrigeration and pollution control equipment are proper. The Board agreed with the City that these regulations were appropriately included in the draft by-law.

The Board directed that three modifications be made to the by-law for clarification and fine tuning purposes, as follows:

- To permit third party rendering;
- To ensure that a legally located rendering plant can remain in the event that a "sensitive land use" subsequently locates within the 300 m radial separation distance; and,
- To provide that uses that might otherwise be considered sensitive, which are located on an industrial site and which are accessory to the industrial use shall not be considered "sensitive" for the purpose of the by-law.

DRAFT BY-LAW

RENDERING PLANTS

The Corporation of the City of Hamilton

BY-LAW NO. 99-

TO Amend:

Zoning By-law No. 6593

Respecting:

DRAFT

RENDERING PLANTS

WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.R.C. 3821);

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Section 3 of the 3rd Report of the Planning and Development Committee at its meeting of the 25th day of February, 1997, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law with respect to special requirements for rendering plants, as hereinafter provided;

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 97-049 on the 25th day of March 1997, to establish special requirements for rendering plants;

AND WHEREAS the Ontario Municipal board by Order dated _____, (File No. PL970549), directed that By-law No. 97-049 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. By-law No. 97-049 is hereby repealed in its entirety and replaced with this By-law.
2. Section 2.(2)H of Zoning By-law No. 6593 be amended by adding the following new sub-clauses:

"(ic) **"Dead Stock"** shall mean and include those rendering materials derived from red meat, fish and poultry which result other than directly from food processing and related operations and activities, and for greater certainty include all rendering materials derived directly from farms or agricultural activities where food processing has not occurred."

"(vicb) **"Sensitive land Uses"** shall mean a building, structure or land used for the purpose of Residential Uses, Institutional Uses, Public Uses for religious, social, educational, and recreational and outdoor/open space uses and any outdoor places of amusement or outdoor patio."

"(viid) **"Third Party Rendering Materials"** shall mean and include by-products resulting from red meat, fish and poultry food processing and related operations and activities (including but not limited to processing, slaughtering, restaurant and retail food uses), other than rendering materials derived from such food processing and related operations and activities carried out at the same property as the property on which rendering is carried out and completed using only by-products from such food processing operations and activities."

3. Section 16.(1)(xiii)(c) of Zoning By-law No. 6593 is deleted and replaced with the following:

"any other animal products manufacture which is an offensive manufacture including tallow-rendering or other reducing or rendering plant, or related transfer station or other accessory uses",

4. Section 17.(1)(vii) of Zoning By-law No. 6593 is amended by deleting the words "tallow-rendering plant" so the entire clause reads as follows:

"(vii) A slaughter house, tannery, glue factory, or any other factory for the manufacture

Add a new Sub-clause 1(viia) as follows:

- "(viia) A tallow-rendering plant or other reducing or rendering plant or related transfer station or other related accessory uses provided that:
- (a) the lot on which the same is situated shall have a minimum radial separation distance of 300.0 metres from the lot line to the lot line of a lot used for the purpose of sensitive lands uses, as defined; and,
 - (b) all facilities for receiving, storing, including but not limited to the storage of trucks used for transporting rendering material, handling and processing of material, shall be completely contained and enclosed within a building, including all loading and unloading areas; and,
 - (c) every side yard or rear yard that is used for vehicular access to a building shall be completely screened from external view by a visual barrier of not less than 2.0 m in height and not more than 3.0 m in height; and,
 - (d) all facilities shall maintain negative air pressure; and,
 - (e) all receiving areas shall be refrigerated and contain pollution control devices; and,
 - (f) the facilities shall not receive dead stock or third party rendering materials; and,
 - (g) liquid waste from all facilities shall be directed to sanitary sewers and the collection of waste water in lagoons shall be prohibited; and,
 - (h) outside parking will only be permitted for vehicles that are not utilized in the movement or transfer of rendering materials."

5. Section 18.(1)(vi) of Zoning By-law No. 6593 is deleted and replaced with the following:

"An animal by-products plant including a tallow-rendering or reducing or rendering plant or related transfer station, an abattoir or slaughter house for other than the killing of rabbits or poultry, a tannery, and any other use which may be an offensive manufacture."

6. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

DRAFT

NOTE: BY-LAW NO. 97-049, ENACTED BY CITY COUNCIL ON THE 25th DAY OF MARCH, 1997, WAS SUBSEQUENTLY AMENDED BY ONTARIO MUNICIPAL BOARD ORDER DATED , (O.M.B. FILE No. PL97-549)

ISSUE DATE :

Sept. 29, 2000
DECISION/ORDER NO.
1418



PL970549

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

The Hamilton Harbour Commissioners and Paletta International Corporation have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, against Zoning By-law 97-049 of the City of Hamilton
OMB File No. R970130

APPEARANCES :PartiesCounsel

City of Hamilton

Michael Bowman
Nancy Smith

Paletta International

Scott Snider

DECISION ARISING FROM A REQUEST TO CLARIFY A DECISION OF THE BOARD DELIVERED BY B.W. KRUSHELNICKI AND ORDER OF THE BOARD

Some time ago the Board, more specifically, this member of the Board, conducted a hearing into the appeal by Paletta International and the Hamilton Harbour Commissioners against a by-law of the City of Hamilton that would have effectively banned animal rendering plants from the K and KK Industrial zones of the City of Hamilton. In its decision issued June 12, 1998 as Decision No. 1453, the Board found for the appellants and directed the City to prepare a by-law consistent with the findings of the decision, and withheld its order on the by-law pending receipt of an acceptable by-law.

After some considerable time, and after several complaints by Paletta's counsel Mr. Snider, that the City was 'dragging its feet' in executing the Board's determination, the City prepared the by-law amendment. Paletta is not happy with the by-law. In a letter to the Board, it complained that the by-law does not provide a map of locations in which a rendering plant would be permitted and includes language that they say is inconsistent with the Board's findings, making the location of a rendering plant virtually, if not effectively, impossible. They seek the assistance of the Board in compelling the City to modify the draft by-law to make it comply with the Board's decision.

As might be expected, the City disagrees with Paletta, so rather than engaging in a protracted "paper dispute" or considering several motions, the Board simply set a date for a

- 2 -

PL970549

hearing at which it would consider very briefly the evidence and submissions of the remaining parties narrowly on the question of the City's proposed by-law. This it did in the course of a few days this past summer. The results of that hearing are the following determinations in respect to the by-law.

In addressing Paletta's complaints about mapping, the City maintains that it has by-laws involving radial separation distances and does not map other radial separation distances. Instead, in such cases, it relies on a process of by-law enforcement in which a proponent proposes a site, the City investigates its potential proximity to incompatible uses and offers an opinion of compliance. It expects to employ a similar procedure in this case.

The Board agrees with the City that there is no obligation to provide a map demonstrating separation distances and does not direct the City to do so.

On the question of the language of the by-law there are several points raised by Mr. Snider. The City has defined and prohibited "third party rendering" and "dead stock removal", claiming that this is their interpretation of the intent of the Board's decision.

The prohibition on third party rendering is simply an incorrect interpretation of the Board's decision and the prohibition should be removed from the draft by-law. Third party rendering was dealt with in the Board's decision and is to be permitted in the K and KK Industrial zones, subject to the mitigation and separation distances as directed by the Board.

As to "dead stock removal", there was very little evidence on this practice. As Mr. Snider acknowledges, his client was not directly interested in this line of business, but was more concerned with, and concentrated their case on, the practice of rendering materials derived from the food and food processing industry. Although dead stock removal is a related or associated activity, the Board did not hear sufficient evidence to determine the impacts or land use compatibility issues associated with it to provide a determination as to whether it could be treated similarly to rendering. In light of this, the City has elected to define "dead stock removal" and prohibit its reception at rendering plants in the K and KK zones. The Board will not require the removal of this section of the by-law.

The next area of the by-law that concerns Mr. Snider is a requirement for screening or fencing of the site, and requirements that the facility maintain negative air pressure, and further that the facility be refrigerated and contain air pollution devices. The Board has no difficulty with a requirement by a municipality for screening of an industrial operation. This is not uncommon. Mr. Snider may be correct that this is more appropriately dealt with by site plan

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PL970549

control. However, the City of Hamilton has elected not to exercise site plan control in its industrial areas and has chosen to deal with this by inclusion in its by-laws on a use or site specific basis. The Board is not compelled by any preferences to intervene.

The requirements for refrigeration, negative air pressure and pollution control devices raises the issue of whether environmental controls are the proper subject of zoning by-laws passed under section 34 of the *Planning Act*. A summary of the proper relationship of environmental controls to zoning is that each is the subject of separate spheres of the law and should not conflict. Zoning is subordinate legislation passed by a municipality under the authority of the *Planning Act*. It is meant generally to control or regulate *development and land use* in order to promote land use compatibility, avoid land use conflicts and associated nuisance, and maintain compliance with a community's development policy and objectives as expressed in its Official Plan.

Environmental controls of industry are exercised under the authority of the *Environmental Protection Act (EPA)* which controls the *operation* of a facility so as to limit adverse emissions and minimize environmental impact.

The distinction between regulating an industrial land use on the one hand and regulating its operation on the other, is a fine one with many opportunities for overlap and potential conflict. The City in this case is saying that the potential for land use conflicts and nuisance associated with rendering as a land use is lessened when the facility is enclosed, refrigerated, and under negative air pressure with pollution control devices. All of this was certainly consistent with the evidence presented by the appellants in the hearing and considered by the Board. So the City has included it in its land use by-law. It does not of course enter into the detail of how such systems are to be designed and operated, just that they should be present as necessary elements of the land use if it is to be compatible with its neighbouring uses.

Mr. Snider says that these are areas properly the subject of a Certificate of Approval (C of A) under the *EPA* and that permitting them in a by-law interferes with the authority of the *EPA* and presents opportunities for conflict between subordinate legislation (zoning) and a Provincial regulatory function.

The Board does not see any potential for conflict, only an attempt to gain some comfort that rendering as a land use can be made more compatible with surrounding uses than it has in the past. While requirements for refrigeration and negative air pressure may overlap with the requirements that would ordinarily be settled in a C of A, their inclusion in the by-law does

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not conflict with the Ministry of Environment's authority to require them, and to specify their design, capacity, operation and so forth in a C of A. _

The Board will not require that these items be removed from the by-law.

Finally there is considerable legitimate disagreement about the matter of separation distances from "sensitive uses". Although this formed a component of the evidence at the hearing, there are items of definition and dispute that could not have been anticipated in the evidence.

A concluding passage of the Board's decision reads as follows:

The Board therefore will allow the appeal and will overturn the ban on rendering in the K and KK zones. However, because of the risk of mismanagement or inadvertent upset or inadequate monitoring, and because of the annoyance and impact that may ensue, the Board directs that, for the specific use of rendering (and related activities) a significant setback from sensitive areas, especially residential areas, be deployed as a measure of protection.

"Sensitive areas" in this business is a term derived from the Ministry of Environment D-6 Guidelines which formed an important part of the evidence in the hearing. In effect the Board directed that, although rendering plants would be permitted in the City's K and KK Industrial zones, the by-law was to establish an additional requirement that they be located 300 metres from "sensitive areas" in accordance with the D-6 Guidelines. In anticipation of definitional problem, the Board directed the City to "reasonably define or list sensitive uses for application of the by-law."

This the City did in a way that Mr. Snider and his planner say is far too encompassing and this is where the main problems emerge. The definition in the by-law reads:

(vick) **"Sensitive land uses"** shall mean a building, structure or land used for the purpose of Residential Uses, Institutional Uses, Public Uses for religious, social, educational, and recreational and outdoor/open space uses, and any other outdoor places of amusement or outdoor patio.

The rationale for the definition is to take uses for which the City has definitions and list them as sensitive. In the case of Residential uses, these are more or less self evident. Institutional uses are defined as "designed, adapted or used for medical, surgical, charitable or other treatment or care of persons, or for detaining persons, for correctional, disciplinary or other purpose, and shall include a children's residence, a home for the aged, a monastery, nunnery or religious retreat, a gaol, reformatory or training school, and all other such uses;" Many of the terms under "Institutional" are in turn further defined and these too are more or less self evidently sensitive. In the case of Public Uses, the City has limited the list in its rendering

by-law by limiting the application of the by-law to "religious, social, educational, and recreational uses, and recreational and outdoor/open space uses".

The definition in the by-law seems to be consistent with and appears to comply with the meaning of the terms "sensitive use" as defined in the Ministry's Guidelines. Section 1.2.1 "Sensitive Land Uses" of the D-6 Guideline states:

For the purposes of this guideline, (i.e. where industry is concerned) sensitive land uses may include:

- recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example the building or amenity area may be associated with residences, senior citizens homes, school day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

Note: Residential use shall be considered sensitive 24 hours/day.

Section 4.4.4. "Ancillary Land Uses (Sensitive Land Use)" of the D-6 Guidelines further states:

For sensitive land uses, where the established use of on-site lands are not of sensitive nature, such as a parking lot servicing a hospital, the land area comprising the parking lot may be included within the separation distance (i.e. measure from where the actual sensitive activities occur).

And finally, Procedure D-1-3 "Land Use Compatibility: Definitions" defines Sensitive Land Use as follows:

A building, 'amenity area' or outdoor space where routine or normal activities occurring at reasonable times would experience 1 or more 'adverse effect(s)' from contaminant discharges generated by a nearby facility. The 'sensitive land use' may be a part of the natural or built environment. Depending upon the particular 'facility' involved, a sensitive land use and associated activities may include one or a combination of:

- (i) residences or facilities where people sleep (eg. single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.).
The uses are to be considered sensitive 24 hours/day.
- (ii) a permanent structure for non-facility related use, particularly of an institutional nature (eg. schools, churches, community centres, day care centres).
- (iii) certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (eg. trailer park, picnic area, etc.)

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- (iv) certain agricultural operations (eg. cattle raising, milk farming, cash crops and orchards).
- (v) bird wildlife habitats or sanctuaries.

Mr. Snider raises a number of potential problems posed by the definition adopted by the by-law. He notes that some sensitive uses under this definition are permitted in industrially zoned areas of the City. For instance "places of worship" are permitted as-of-right in the K and KK zones. Similarly there are commercial uses, such as bars and restaurants, adjacent to industrial zones which may have outdoor patios. As well there are a number of legal non-conforming uses such as long standing residential enclaves some of which are almost embedded within the industrial zones, which would unquestionably be considered "sensitive uses".

Mr. Snider's planner has identified as many of these uses as he could and has mapped a 300 metre separation distance from residential districts and from many known sensitive uses according to the City's proposed definition. On the basis of this and coupled with the large land ownerships by the steel plants, the Harbour Commission and other established industrial owners, Mr. Snider argues that this eliminates large tracts of potential industrial lands from use as a rendering facility. He says that the definition is therefore too encompassing. More specifically the by-law should not include legal non-conforming uses - even if they are "sensitive" - since these do not enjoy the protection of zoning. These should be considered "Industrial" given their underlying zoning, not residential, and therefore should be excluded from the definition of "sensitive" in the by-law.

The Board does not agree. It is the existing use of the land, not the zoning which attracts the protection offered by Guideline D-6. The Board observes from the mapped evidence that there remain large and ample tracts of industrial lands, that remain unaffected by the 300 metre setback that would be available. Much of this is assembled and held by established industries. Nevertheless there remain ample zoned lands unaffected by the setback that provide reasonable opportunities within the normal land market for a site to be secured and made available. The definition does offer a challenge to Mr. Snider's clients, but does not constitute a prohibition. The by-law need not be modified in this respect.

There are some problems identified by Mr. Snider that can be addressed by amendment of the by-law. Mr. Snider worries that even if a rendering plant can be situated within the existing terms of the by-law, it could be rendered illegal by the legal location of say a church (which is permitted in an industrial zone) or the addition of a patio (a sensitive use) to a nearby or adjacent commercially zoned tavern which was not previously considered sensitive. The City offers an amendment in Exhibit 7b of these proceedings to section (viiia)

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(a) of the by-law which would provide as follows:

A rendering plant located lawfully in accordance with this section shall not be rendered unlawful by the subsequent introduction of a sensitive use within 300.0 metres of the plant so located.

This is an appropriate amendment that addresses the concern and the Board directs the modification be made.

Mr. Snider then worries that it is possible that a "sensitive use" could be added to, or could exist and be included within an industrial use. For example, an existing industry could have an outdoor lunch area or a recreation facility or an on-site child care centre, any one of which may not be apparent to the proponent of a rendering plant or even to the zoning examiners considering the location of such a plant. How should these be treated?

The Board is sympathetic to this concern. It is reasonable to assume that an industry occupying an industrial site as the principal use in an industrially zoned area is not a "sensitive use" even though there may be sensitive uses within it or associated with it. Such an industry located in a heavy industrial area must accept some of the risks of nuisance if it establishes a sensitive use within its precincts. Industrial zones are meant to contain uses with adverse impacts and to be separated from areas where such impacts are not acceptable. They cannot expect the same protection from adversity that one would enjoy in say a residential or institutional zone.

Consequently the City is directed to amend the by-law by providing that uses that might otherwise be considered sensitive uses, which are located on an industrial site and which are associated with, secondary to, or accessory to the industrial use shall not be considered "sensitive uses" for the purpose of the subject by-law.

These are the changes that the Board will require be made to the draft by-law and it so orders. In light of the concerns raised previously by Mr. Snider with the amount of time taken to produce the by-law, I am further directing that the present changes be made and sent to the Board within 60 days of the issuance of this decision/order.

Mr. Snider asks for his costs in this proceedings, claiming that the City has acted unreasonably as demonstrated by the length of time it has taken to produce the by-law and by the City's self interested approach in interpreting the Board's decision.

I agree that the City has taken its time to produce the by-law and that the by-law was undoubtedly advantageous to the City in the way it has interpreted points which it considered ambiguous. The Board does not ordinarily draft by-laws and when it withholds its order, it

- 8 -

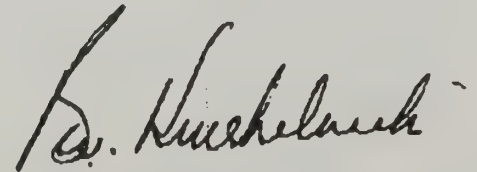
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relies instead on the fairness and independence of professional municipal staff to competently, fairly and without bias give effect to the Board's decision, irrespective of their personal opinion of the Board's determination or the outcome of the proceedings.

I am not sure that this is what has happened in this case. However, I am inclined to give the City the benefit of the doubt in this instance. This has been a difficult case involving strongly held professional opinions about a use that the Board found to be exceptional or unusual if not perhaps unique. Rather than accepting that the City has acted in bad faith or otherwise unreasonably, I prefer to find for the time that it has acted with extraordinary care and prudence in the protection of its interest as it sees it. This is at least partly understandable. In the end their prudence has been exceptional but not unreasonable.

There will be no order for costs.

The Board continues to withhold its order in respect to the by-law pending receipt of the final version with the modifications directed by the Board.



B.W. KRUSHELNICKI
MEMBER

October 10, 2000

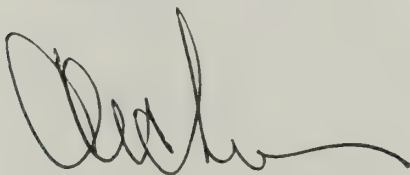
Tina Agnello
Secretary
Planning & Development Committee

This letter is my request that my earlier request for a waiver of the two year building requirement as per Bill PR 140 be put on the agenda of the Planning & Development meeting of October 18, 2000.

This item was on the agenda of the October 4, 2000 meeting. Alderman Bill Kelly requested to have it put ahead to the next meeting so that final improvements to the land could be completed.

Please confirm to me at 31 Cross Street
 Dundas Ontario L9H 2R5
 905 522 1368 or 905 627 7069

Thank you.

A handwritten signature in black ink, appearing to read 'Clair W. C. Sellens', with a long horizontal flourish extending to the right.

Clair W. C. Sellens

Tabled to Oct 25 P+D Mtg
5.1

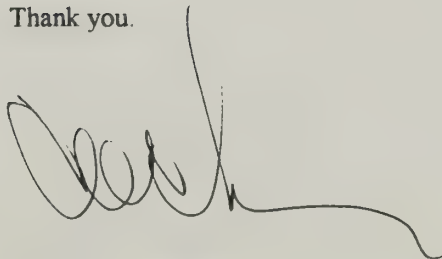
September 21, 2000

Tina Agnello
Secretary
Planning & Development Committee

This letter is my request that my earlier request for a waiver of the two year building requirement as per Bill PR 140 be put on the agenda of the Planning & Development meeting of October 4, 2000. The previous request for the waiver was tabled and never voted on.

Please confirm to me at 31 Cross Street
 Dundas Ontario L9H 2R5
 905 522 1368 or 905 627 7069

Thank you.

A handwritten signature in black ink, appearing to read 'Clair W. C. Sellens', with a long horizontal flourish extending to the right.

Clair W. C. Sellens

5.2

Office of the Municipal Clerk
Memorandum

TO: Tina Agnello, Secretary
Planning and Development Committee

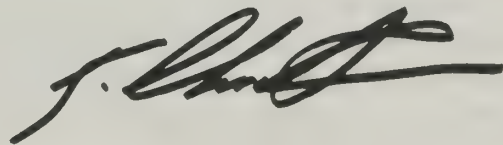
FROM: K.C. Christenson
Acting Municipal Clerk
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: October 11, 2000

SUBJECT: Referral of Council Correspondence regarding Enterprise Zones from
Regional Council

City Council at its meeting of October 10, 2000 referred the above-noted correspondence attached hereto to the Planning and Development Committee for consideration.



cc. Lee Ann Coveyduck, General Manager, Community Planning and Development
Division (Face page only)
N. Catalano, Director, Economic Development Department (Face page only)
T. Bradbury, Acting General Manager, Finance (Face page only)



**CITY OF HAMILTON AND
REGION OF
HAMILTON-WENTWORTH**



Corporate Services
Office of the Municipal Clerk
Telephone (905) 540-5587
Facsimile (905) 546-2095
E-mail: clerk@hamilton-went.on.ca

October 5, 2000

Mayor R. M. Morrow and Members of City Council:

Re: Referral from Regional Council respecting Enterprise Zones

Subjoined for the information of City Council is Section 1 of Report 06-00 of the Economic Development and Tourism Committee respecting Enterprise Zones as adopted by Regional Council at its meeting held October 3, 2000.

As referenced in subsection (f), Regional Council approved that Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area.

1. Enterprise Zones (PDR00139) (Item 4)

- (a) That Staff be authorized and directed to implement the Downtown Enterprise Zone Criteria/Incentives detailed in the Analysis Section of Report PDR00139 as follows:

Analysis

The Enterprise Zone, details of which are identified in Appendix "A" attached hereto, has been successfully used in the United States (USA) and the United Kingdom (UK) and, as a result, Staff has modelled this section under their experiences, recognizing that legal statutes are different in these jurisdictions versus Ontario.

The Enterprise Zone is intended to create jobs and opportunities in the most economically distressed areas of inner cities and it targets tax incentives, loans, etc. to these areas to assist in the revitalization. The following criteria, incentives, measurements and process are proposed:

Criteria:

1. That the areas defined by the Downtown and International Village Business Improvement Areas, as identified in Appendices "B" and "C" attached hereto, be the pilot project test area;
2. For a proposal to qualify it must have at least a 50% annualized vacancy rate commercial/residential);
3. Proposals for re-development cannot have a total gross floor area of greater than 30,000 sq. ft. in. Additions to the structure can exceed 30,000 sq. ft. in total area;
4. To stimulate new development and reduce the number of vacant sites, all parking lots and vacant sites are included; and,
5. All hotels and motels that have an annualised occupancy of less than 50% would qualify.

The criteria have been established after extensive consultation with the two (2) Business Improvement Areas and Municipal Staff and Provincial input from Ministries of Finance and Municipal Affairs and Housing.

Incentives

1. Tax assessment increase resulting from improvements to any of the qualifying projects will be waived for a period of five years. The loss of tax revenue would be recaptured among all tax classes in the community;
2. New development or re-development would be assessed at current market value;
3. The tax waiving incentive for a five year period would apply to the educational component. This revenue loss to the School Boards would be replaced by an annual Provincial grant;

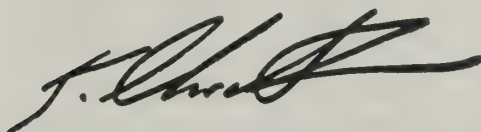
4. The current Council approved 'No Fee Policy' would remain in effect for five (5) years;
 5. GST and PST would not be applicable on goods and services provided to qualifying projects; and,
 6. The Enterprise Zone would remain in effect for five (5) years but be subject to annual review based on benchmarks and performance measurements.
-
- (b) That the Province be requested to allow greater local tax setting latitude, including the full or partial elimination of clawback contributions to the capping program, for lands within the Enterprise Zone and property tax classes; and,
 - (c) That the Province be requested to amend legislation and/or regulations to allow the financing arrangements for the capping program to be made more flexible, such that the clawback contributions indicated in recommendation (b) be recaptured over the entire tax assessment base of the New City of Hamilton; and,
 - (d) That the Province be requested to provide a grant equivalent to the revenue loss to the New City of Hamilton on the tax generated by the incremental assessment for the five year waiver period; and,
 - (e) That Report PDR00139 be referred to the New City of Hamilton Council for consideration of the taxation implications in the preparation and formulation of taxation policy for 2001; and,
 - (f) That Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area; and,
 - (g) That the cost of the program plus the administration, based on the uptake, be identified at year end and segregated for reimbursement by spreading out the revenue loss among the entire tax assessment base in the New City of Hamilton for any portion not covered by a grant from the Province as set out in recommendation (d); and,

- (h) That Staff be authorized and directed to approach the Ministry of Finance and the Ministry of Municipal Affairs and Housing regarding the tax implications to the School Boards generated by this proposed pilot program and that any revenue loss to the School Boards be met by an annual grant from the Ministry of Finance; and,
- (i) That Staff be authorized and directed to approach the Federal Ministry of Finance – GST Division and the Provincial Treasury – PST Division for the exemption/rebate of such tax on all goods and services related to new and/or incremental development in the area defined by the Enterprise Zone; and,
- (j) That Report PDR00139 be forwarded to the Transition Board for endorsement and for consideration as part of the 2001 budget process; and,
- (k) That the Director, Economic Development Department, be directed to make Enterprise Zones a priority in his Departmental Workplan and provide monthly updates to the Economic Development and Tourism Committee.

Report PDR00139 is also attached.

Kindly ensure that appropriate action is taken with respect to this matter.

Yours truly,



Kevin C. Christenson
Acting Municipal Clerk

attachment

cc L. A. Coveyduck, General Manager, Community Planning and Development Division
N. Catalano, Director, Economic Development Department
T. Bradbury, Acting General Manager, Finance
T. Agnello, Secretary, Planning and Development Committee

Appendix "A" as referred to in
Section 1(a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000

GREATER HAMILTON DOWNTOWN REVITALIZATION

ENTERPRISE ZONES

Community image is typically exemplified by the vibrancy of its downtown core. It is the first impression visitors, travellers, business leaders notice when coming into a community. The downtown says a lot about a community but it primarily identifies and recognizes that the downtown core is the heart of the community and that heart must always be kept strong.

Urban sprawl has had a significant detrimental affect on many North American cities. The migration of residential, commercial and recreational endeavours have slowly permeated to the fringes of the community. This is well exemplified by the advent of urban malls that have literally sucked the retail life out of many downtown cores and changed a whole generation of shopping, travel, entertainment and destination patterns.

Communities that recognize this transformation have put in place significant redevelopment initiatives and incentives to recapture and revitalize the heart of the community. Major initiatives and projects throughout North America (Baltimore, Boston, Pittsburgh, Cleveland etc. and Canadian counterparts such as Toronto, Montreal, Vancouver etc.) have recognized that it will take significant efforts on the part of government and business to reverse this trend, re-affirm the market position of the CORE and address cost competitive factors.

ENTERPRISE ZONES ARE MEANT TO PROVIDE THE MECHANISM TO FACILITATE THESE OBJECTIVES.

UNITED STATES
ENTERPRISE ZONES
WHAT ARE THEY?

WHAT IS AN ENTERPRISE ZONE (EZ)

- an economic development initiative founded in the United States and now also in practise in the United Kingdom. In the U.S., it is used to combat inner city problems such as; concentrated poverty, increasing crime, an exodus of jobs, declining schools, middle-class flight, and a deteriorating tax base
- the enterprise zone targets tax incentives, performance grants, and loans to designated geographic areas in or near the core of a city/urban area. It also focuses on activities to support people looking for work, job training, child care and transportation.
- its purpose is to create jobs and opportunities in the most economically distressed areas of inner cities and it is a program in which communities drive the decision making process regarding its implementation.

HOW IT BEGAN

- in 1992 the civil disturbances in Los Angeles were cited by many as the catalyst for the U.S. Congress to pass the Federal Enterprise Zone program a year later
- in 1993, the U.S. Senate approved the Omnibus Budget Reconciliation Act which saw Enterprise Zones enacted as federal legislation and HUD (the Department of Housing and Urban Development) assuming the lead role
- in December 1994, President Clinton designated 72 urban areas in the U.S. as "enterprise zones"

- individual states were provided a vehicle through federal legislation that enabled them to create and designate enterprise zones within eligible communities

HOW IT WORKS

- a specific time limit for the life of an enterprise zone is established anywhere from a minimum of 5 years to a maximum of 20 years
- the enterprise zone must be re-approved on an annual basis to ensure compliance with the Act
- the EZ is designated on a geographic basis (i.e. a % of the entire area or specific boundaries – similar to a Community Improvement Plan)
- the U.S - EZ must meet established eligibility criteria, which may include:
 - a 150% rate above the state's quoted annual unemployment rate (i.e. 6% for the EZ if the state rate is 4%)
 - a loss in population greater than 10% in the last 10 years
 - at least 20% of the population must be economically disadvantaged
 - at least 15% of the residents of the area must earn less than the average wage in the state

HAMILTON

CORE REVITALIZATION – WHY

Downtowns in major metropolitan centres traditionally contain:

- 1) significant and historical building stock
- 2) proximity to city centre facilities
- 3) entertainment centres
- 4) cultural venues and events
- 5) commercial centre
- 6) transportation network
- 7) the centre of government
- 8) the centre of major institutions

With this significant and solid foundation, can we solely blame shifts in demographic patterns or is it also attributable to the structural inequities—taxes, parking, safety, lighting, climate control etc., that have contributed to the transformation.

The implementation of an ENTERPRISE ZONE, detailed in the following pages, will contribute to a healthy economy, a vibrant core, increased tax assessment, investment, employment, tourism opportunities, preservation of historically significant structures and create a community in the downtown core that people will call home as a place to live, work, visit and be entertained.

UNITED STATES

WHAT TYPE OF INCENTIVES ARE USED

Nation-wide, EZs have received over \$1.5 billion of performance grants and more than \$2.5 billion in tax incentives. Cleveland, for example, received a grant of \$90 million (U.S.) for their EZ

In the U.S. incentives can vary from state to state but, the most common include:

- direct tax incentives (a prescribed % decrease of the current taxes)
- complete waiver of property taxes for a specific period of time
- refund of taxes paid on various utilities including: gas, electricity, water and sewer
- a tax credit based on the number of jobs created (\$3,000 per employee)
- waiver of all incremental taxes based on the improvement to a qualifying property for a specific period of time
- any qualifying properties in the EZ are automatically eligible for all Brownfields and Tax Incentives Programs at both the federal and state levels
- funds available to EZs at the community level (i.e. the Cleveland example) can be used for the construction of public facilities and improvements to the infrastructure (sewer, water, roads, etc.) in the designated areas
- in the U.K. (i.e. North Nottinghamshire), EZs offer 1) exemptions from the uniform business tax for up to 10 years, and 2) 100% tax allowances for capital expenditures on buildings

ADVANTAGES OF AN ENTERPRISE ZONE

- the EZ provides a framework to pull together a range of economic development tools to revitalise a specific geographic area
- they meet a wide range of economic goals
- job creation and retention
- reversal of disinvestment
- generation of new tax revenues
- neighbourhood and environmental improvement
- quality of life improvement
- they encourage business development by reducing the costs of doing business

DOWNSIDE OF AN ENTERPRISE ZONE

- are the costs of the incentives and tax relief greater than the local benefits
- does it create a competitive advantage for one area or sector versus another
- how is the boundary of the zone equitably established and who makes that decision
- is the life span of the zone designation sufficient to get a return for the incentives & tax relief
- will it be sustainable development
- who bears the cost of the administration – the municipality?

A U.S. EXAMPLE: SANTA ANA, CALIFORNIA

- in 1993 the City of Santa Ana (capital of Orange County) was designated as an enterprise zone by the state
- they immediately instituted a number of programs including
- a sales and use tax credit (for the purchase of machinery)
- hiring credits (reduction of state income tax)
- business expense deduction (purchase of property)
- net operating loss carryover
- net interest deductions for lenders
- manufacturers investment tax credit

RESULTS:

- extremely successful and won the national award for EZ excellence
- significantly raised the per capita income and lowered the unemployment & poverty rates dramatically in the city
- attracted several major employers to the city (the EZ) including; ITT Cannon, EMI and GT Bicycles

HAMILTON

STRUCTURAL DIFFICULTIES

In this analysis we have tried to recognize that one, if not the primary reason for the migration of businesses to the suburbs, has been the structural inequities that exists in the property tax system. Downtown has traditionally garnered the highest property values as they were seen to be the centre of commerce and revenue generation. When the Provincial government introduced Current Value Assessment, property taxes in the defined area of the two designated BIA dropped significantly. Property tax decreases were common in the 20 to 30% range, which were more reflective of current market value assessment and as such created a competitive/fair process throughout the New City of Hamilton.

The community, in conjunction with the local Chamber of Commerce, the business sector, the residents and elected officials took advantage and utilized all of the tools that were available, under then existing legislation, to implement a tax fairness system throughout the community. It is a compliment that so many players representing many diverse and varied interests came together to recognize the value of a vibrant downtown core.

Unfortunately with the Provincial capping of 5, 5 and 10, years of hard work and effort were laid to rest. The savings did not materialize, the taxing inequities continued and/or were protracted in their implementation schedule, complaints were and continue to be numerous throughout the downtown core. The intent of current value assessment was compromised.

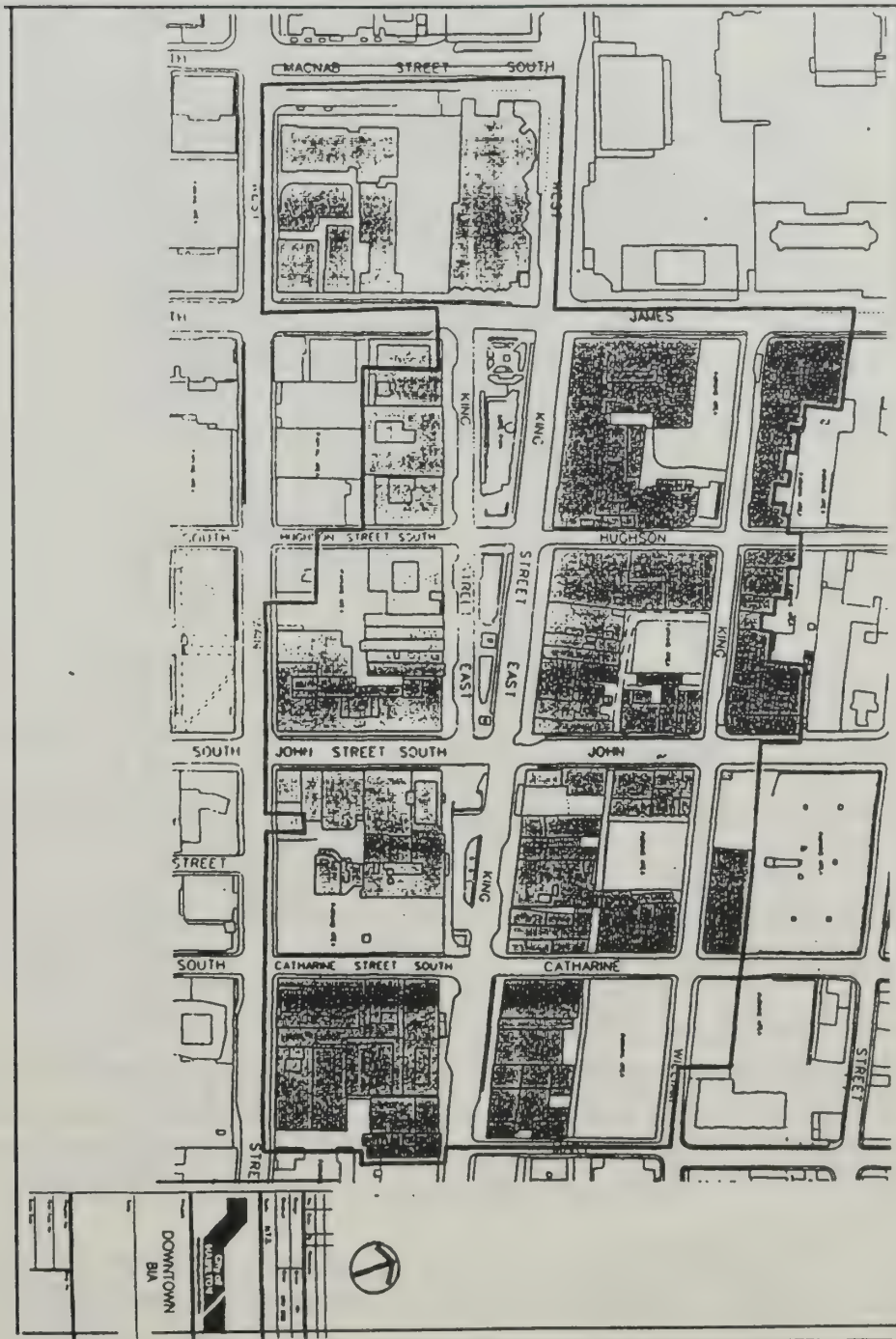
The pilot project that we are asking the Provincial Government to consider is to recognize these inequities and allow a community that has made a business, residential and political decision to move forward and revitalize its core. We recognize that a pilot project will have to undergo scrutiny and modification but it is an initial step towards remedying some of the existing inequities.

CONCLUSION

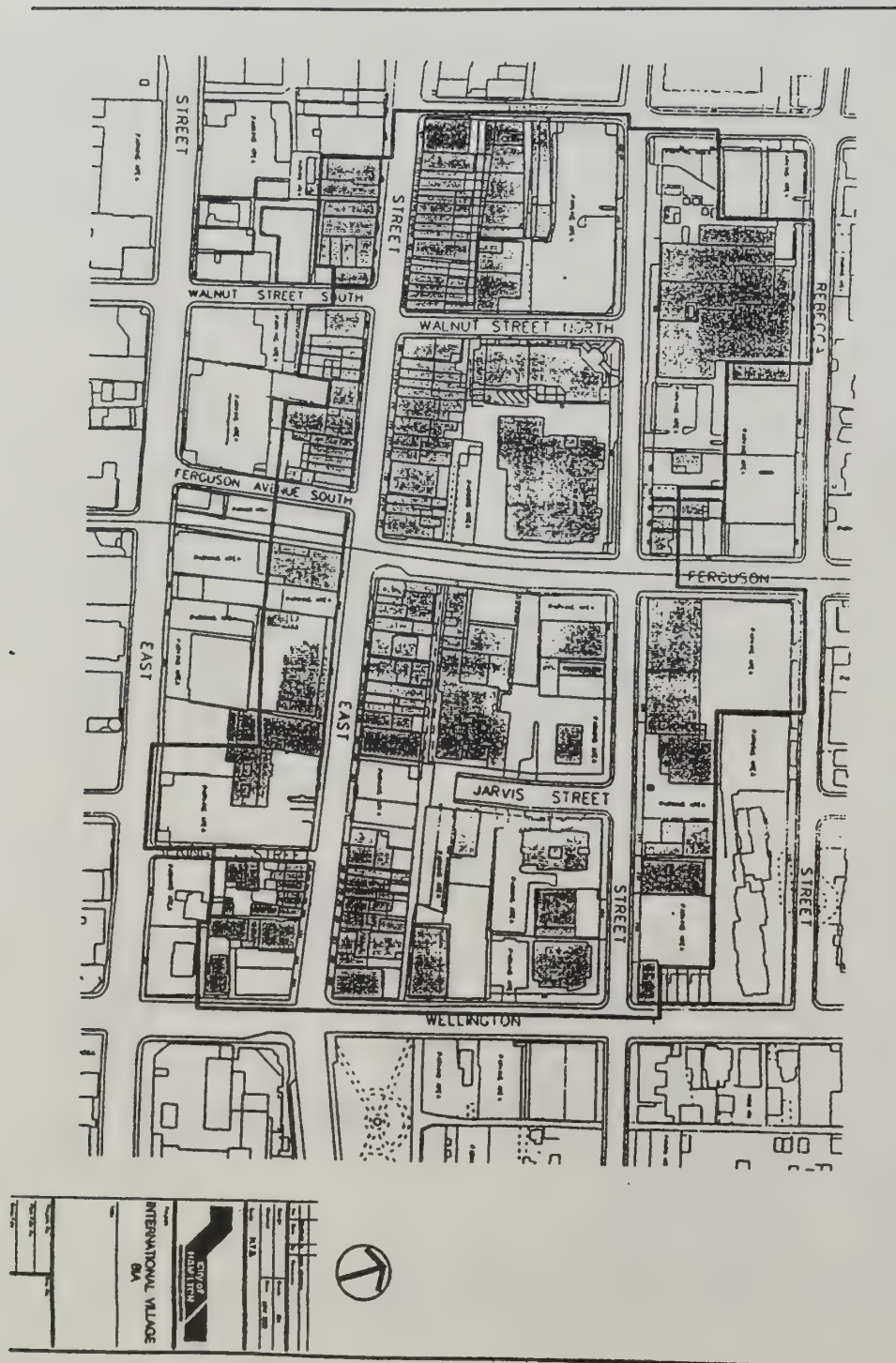
A meeting was convened approximately 3 months ago to examine the above noted issues. In attendance were elected officials representing the Provincial and Federal levels of government from the Liberal, Conservative and NDP parties. This group was complemented by the Executive Directors and Presidents of the two BIA's as well as other special interest groups. They all strongly recognize the unfair and uncompetitive tax situation that has been prevalent in the downtown core for some time.

Pursuant to this meeting, staff and the two BIA-Executive Directors, met with staff of the Ministries of Finance and Municipal Affairs and Housing. We were encouraged to pursue these issues, obtain input and direction from Council and formulate a report for provincial and federal consideration, while similarly allowing the community the latitude to deal with issues at the local level.

Appendix "B" as referred to in
Section 1 (a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000



Appendix "C" as referred to in
Section 1 (a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000



REGION OF HAMILTON-WENTWORTH

- RECOMMENDATION -

DATE: September 19, 2000

REPORT TO: Chairman and Members
Economic Development and Tourism Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

Nicolas Catalano
Director
Economic Development Department

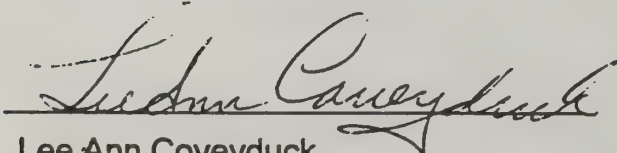
Tom Bradbury
Acting General Manager
Finance Department

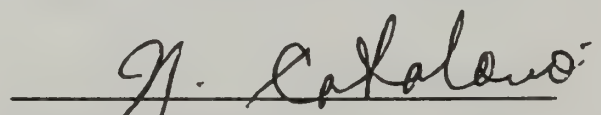
SUBJECT: Enterprise Zones (PDR00139)

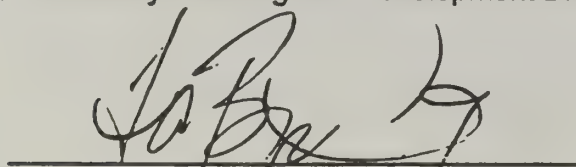
RECOMMENDATION:

- a) That staff be authorized and directed to implement the Downtown Enterprise Zone Criteria/Incentives detailed in the Analysis Section of Report PDR00139.
- b) That the Province be requested to allow greater local tax setting latitude, including the full or partial elimination of clawback contributions to the capping program, for lands within the Enterprise Zone and property tax classes.
- c) That the Province be requested to amend legislation and/or regulations to allow the financing arrangements for the capping program to be made more flexible, such that the clawback contributions indicated in recommendation (b) be recaptured over the entire tax assessment base of the New City of Hamilton.
- d) That the Province be requested to provide a grant equivalent to the revenue loss to the New City of Hamilton on the tax generated by the incremental assessment for the five year waiver period.
- e) That Report PDR00139 be referred to the New City of Hamilton Council for consideration of the taxation implications in the preparation and formulation of taxation policy for 2001.

- f) That Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area.
- g) That the cost of the program plus the administration, based on the uptake, be identified at year end and segregated for reimbursement by spreading out the revenue loss among the entire tax assessment base in the New City of Hamilton for any portion not covered by a grant from the Province as set out in recommendation (d).
- h) That staff be authorized and directed to approach the Ministry of Finance and the Ministry of Municipal Affairs and Housing regarding the tax implications to the School Boards generated by this proposed pilot program and that any revenue loss to the School Boards be met by an annual grant from the Ministry of Finance.
- i) That staff be authorized and directed to approach the Federal Ministry of Finance – GST Division and the Provincial Treasury – PST Division for the exemption/rebate of such tax on all goods and services related to new and/or incremental development in the area defined by the Enterprise Zone.
- j) That Report PDR00139 be forwarded to the Transition Board for endorsement and for consideration as part of the 2001 budget process.


Lee Ann Coveyduck
General Manager
Community Planning and Development Division


Nicolas Catalano
Director
Economic Development Department


Tom Bradbury
Acting General Manager
Finance Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Report PDR00139 requires Transition Board approval as it will have tax policy implications in 2001.

Financial

The elimination of the clawback contributions to the capping program for commercial properties in the defined Enterprise Zone will result in an estimated tax redistribution of \$3.3 million. This will result in a tax redistribution of approximately \$14 on a residential property assessed at \$150,000.

With respect to the waiver of incremental taxation on the area improvements, if the Province does not provide the grant as outlined in recommendation (d), it is estimated that each \$1,000,000 in improvements would generate a taxation revenue loss of \$70,000. Based on 2001 assessment projections, spreading the recovery of the \$70,000 across the Regional assessment base would cost each \$150,000 residential property \$0.30 per annum. If recommendation (h) is successful, the education portion of the recovery would be payable by the Province and not local taxpayers reducing the \$0.30 to approximately \$0.15 per household required to fund the incremental tax deferral.

Staffing

The program can be administered and monitored within the existing staff complement in the Finance Department and the Community Development and Planning Division. Should the uptake generate increased workload, a follow up report will be provided.

SUSTAINABLE COMMUNITY IMPLICATIONS:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making.)

This initiative will facilitate the re-development of existing properties and the utilization of vacant parking lots consistent with the adaptive re-use of property as per the principles of Vision 2020.

BACKGROUND:

Research indicates that taxes are uncompetitive in the downtown core. In the original current value assessment (CVA) analysis, prior to 10-5-5 capping/policies, approximately 85% of the commercial properties in the core were experiencing assessment related reductions. However, the Provincial capping program was introduced in late 1998 to protect commercial, industrial and multi-residential class property owners from large taxation increases as a resulting form the introduction of CVA. Increased taxation levies for properties in these classes were capped at 10% in 1998, 15% in 1999 and 20% in 2000 plus or minus and budgetary changes, over what they had paid in 1997. Funding for the capped increases was recovered from property owners in the same class that were experiencing taxation decreases as a result of reassessment which had a significant negative impact in downtown Hamilton.

Downtown taxes are considered by financial institutions and other lenders as a second debt instrument on development of a property. It has been difficult to mitigate this costing differential in securing financing.

The unfair tax burden has resulted in areas of our downtown that have vacancy rates in excess of 50%. A healthy downtown is critical to the health of our community. In order to deal with the results of this unfair tax burden, staff has been meeting with the Province and in 1992, Regional staff met with the then government of day, the New Democratic Party, in Toronto. In attendance were representatives of the Ministries of Municipal Affairs and Housing, Finance, Provincial Facilitator and a number of policy analysts from the Province. An Enterprise Zone conceptual proposal was presented for their consideration, which unfortunately, did not proceed due to the change in government shortly thereafter.

Approximately two (2) years ago, in conjunction with the Executive Directors of the International Village and Downtown Business Improvement Areas and staff of the Economic Development Department, research was undertaken in Canada, the United States and the United Kingdom to look at how other communities were addressing the issues prevalent to many North American cities in their efforts to revitalize downtown cores.

Staff met with senior policy people from the Ministry of Finance and Ministry of Municipal Affairs and Housing in conjunction with the Parliamentary Assistant to the Minister of Finance (Mr. Young) to obtain initial feedback and comments. Staff and the two (2) downtown Business Improvement Areas were encouraged to proceed in developing a proposal under the Community Improvement Plan to establish an Enterprise Zone as a re-development initiative for the core. The avenue chosen is plausible and feasible under existing legislation and would not require a legislative change for the creation of an Enterprise Zone.

This program has been a work-in-progress for approximately nine (9) months. It is a means to address the structural inequities that have been the major stumbling block to facilitate downtown revitalization. The City of Hamilton and the Region of Hamilton-Wentworth have developed a number of creative policies to encourage development. They are:

- a) Façade improvement program.
- b) Conversion program for residential development.
- c) Heritage designation program.
- d) Tax program for heritage designated properties.
- e) The wavier of all fees related to the application process for development.

Numerous other smaller initiatives to assist the community in mitigating the tax differentials between developing in the downtown core versus other parts of the community have been developed as well. However, the current programs on their own are not enough and, for this reason, the recommendations to eliminate the clawback contributions to the capping program and the introduction of an Enterprise Zone are being presented.

Analysis

The Enterprise Zone (see Attachment 1 to Report PDR00139 for details) has been successfully used in the United States (USA) and the United Kingdom (UK) and, as a result, staff has modelled this section under their experiences, recognizing that legal statutes are different in these jurisdictions versus Ontario. The Enterprise Zone is intended to create jobs and opportunities in the most economically distressed areas of inner cities and it targets tax incentives, loans, etc. to these areas to assist in the revitalization. The following criteria, incentives, measurements and process are proposed:

Criteria:

1. That the areas defined by the Downtown and International Village Business Improvement Areas be the pilot project test area (see Attachments 2 and 3);
2. For a proposal to qualify it must have at least a 50% annualized vacancy rate commercial/residential);
3. Proposals for re-development cannot have a total gross floor area of greater than 30,000 sq. ft. in. Additions to the structure can exceed 30,000 sq. ft. in total area;
4. To stimulate new development and reduce the number of vacant sites, all parking lots and vacant sites are included; and,
5. All hotels and motels that have an annualised occupancy of less than 50% would qualify.

The criteria have been established after extensive consultation with the two (2) Business Improvement Areas and Municipal staff and Provincial input from Ministries of Finance and Municipal Affairs and Housing.

Incentives

1. Tax assessment increase resulting from improvements to any of the qualifying projects will be waived for a period of five years. The loss of tax revenue would be recaptured among all tax classes in the community;

2. New development or re-development would be assessed at current market value;
3. The tax waiving incentive for a five year period would apply to the educational component. This revenue loss to the School Boards would be replaced by an annual Provincial grant;
4. The current Council approved 'No Fee Policy' would remain in effect for five (5) years;
5. GST and PST would not be applicable on goods and services provided to qualifying projects; and,
6. The Enterprise Zone would remain in effect for five (5) years but be subject to annual review based on benchmarks and performance measurements.

Measurements

1. Number of projects per annum.
2. Number of new residential units.
3. Expansion of quality commercial space.
4. Vacancy rates of the qualified projects.
5. Number of parking lots and/or vacant sites developed.

Process

1. Examine each project on a case by case basis.
2. Identify the tax benefits of the redevelopment - pre and post capping.
3. Quantify the cost of the redevelopment to the School Boards.
4. Quantify the loss of revenue to the New City of Hamilton.
5. Loss of tax revenue plus carrying and administrative charges to be spread out over the entire tax assessment base of the New City of Hamilton in the following year.
6. The program cost will be measured against the incremental tax benefits that will be provided by the developments but the more significant benefit will be the elimination of blighted, underutilized and boarded facilities that dot the downtown core.

NOTE: While the pilot project has been targeted at the City of Hamilton downtown core it is possible to expand the program to other parts of the New City of Hamilton pursuant to the identified criteria and Planning Act regulations.

Rationale

This initiative seeks to address the costing differentials by:

1. Involving all levels of government (local/Provincial/Federal).
2. Addressing the need for downtown commercial redevelopment.

SUBJECT: Enterprise Zones (PDR00139)

Page 7

3. Addressing the need for residential development.
4. Utilizing existing infrastructure more efficiently.
5. Recognize that the core is the heart of a community.
6. Reduce blighted/boarded up properties.
7. Increase assessment.
8. Provide the framework for beautification.
9. Create a competitive environment to stimulate development.
10. Reduce the number of vacant sites and parking lots.

Attachs. (3)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 September 29

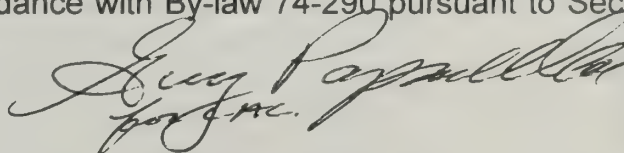
REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
30 NORFOLK STREET NORTH - Tag Number 00 151181
(00.1.1.A) (PDC-00169)

RECOMMENDATION:

That the Acting Director of Building be authorized and directed to issue a demolition permit for 30 Norfolk Street North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: C/S-1335, 1335a

PRESENT USE: Single Family Dwelling

PROPOSED USE: Garden – Vacant Land

BRIEF DESCRIPTION: The owner proposes, as per the demolition permit application, to demolish the existing one and a half storey single family dwelling and use the vacant land as a garden. Any uses proposed on the vacant lot would have to comply with Zoning By-Law 6593, as amended. In this regard, a garden would be permitted as it is a use not restricted under Section 3 of Zoning By-Law 6593.

This dwelling is located in the Ainslie Wood North Neighbourhood (please see attached neighbourhood and city overview map). The existing dwelling, according to the Building Department's site inspection, is in good condition and is structurally sound.

Please be advised of the following history of 30 Norfolk Street North.

The Planning and Development Committee, at its meeting of 1998 November 4, resolved that no action be taken with regards to the request for a demolition permit application dated 1997 August 19.

This application was also reviewed and tabled by the Planning and Development Committee 1997 October 22.

The owner was previously denied a building permit for 30 Norfolk Street North in 1994, for conversion to a two-family dwelling under Bill 120. The plans submitted proposed a lodging house rather than a two-family dwelling. The plans and application were returned to the owner and the permit fee was refunded.

It should be noted that 28 Norfolk Street North and 30 Norfolk Street North are owned by Helen Love-Jones and the two (2) municipal properties include three (3) separate lots in a registered plan. We consider 28 Norfolk Street North to be composed of Lots 116 and 117 and is 60' x 100'. We consider 30 Norfolk Street North to be composed of Lot 118 and is 30' x 100'.

Under Site Specific By-Laws 95-02 and 95-033, no buildings or structures shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio of 0.45. The lot area of 30 Norfolk Street North is 3000 ft.². As Lot 118 is an entire lot in a plan of subdivision, this lot could be sold without a severance and developed in accordance with all applicable Zoning By-Laws.

Please be advised that two (2) previous demolition permit applications for 30 Norfolk Street North were denied by Council on 1995 December 12 and 1996 April 6.

No LACAC interest.

The owner of the property as per the demolition permit is:

Mark Cole
127 Jackson Street West
Hamilton, Ontario L8P 1L6

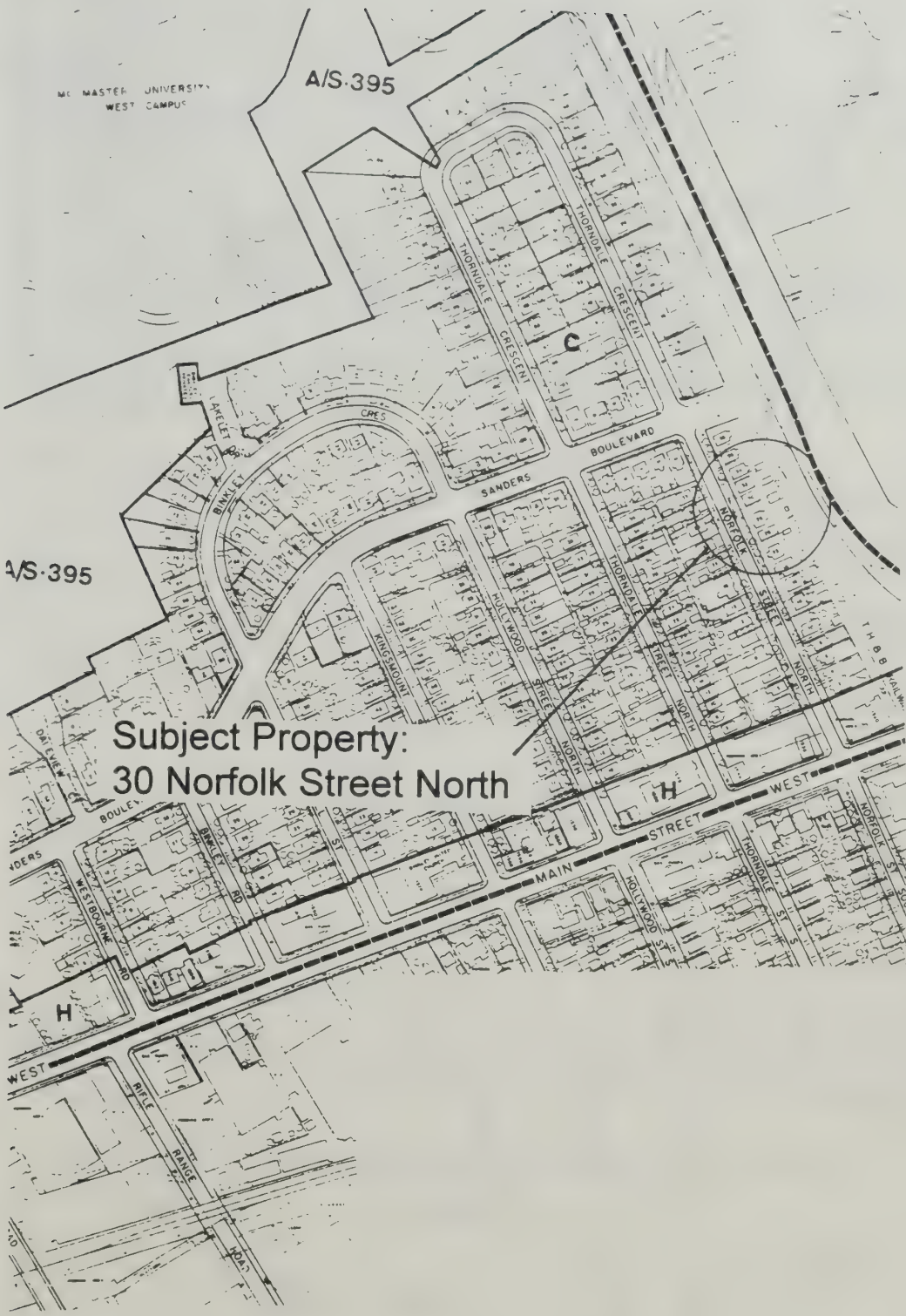
 FP/zr

MC MASTER UNIVERSITY
WEST CAMPUS

A/S-395

A/S-395

Subject Property:
30 Norfolk Street North



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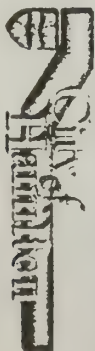
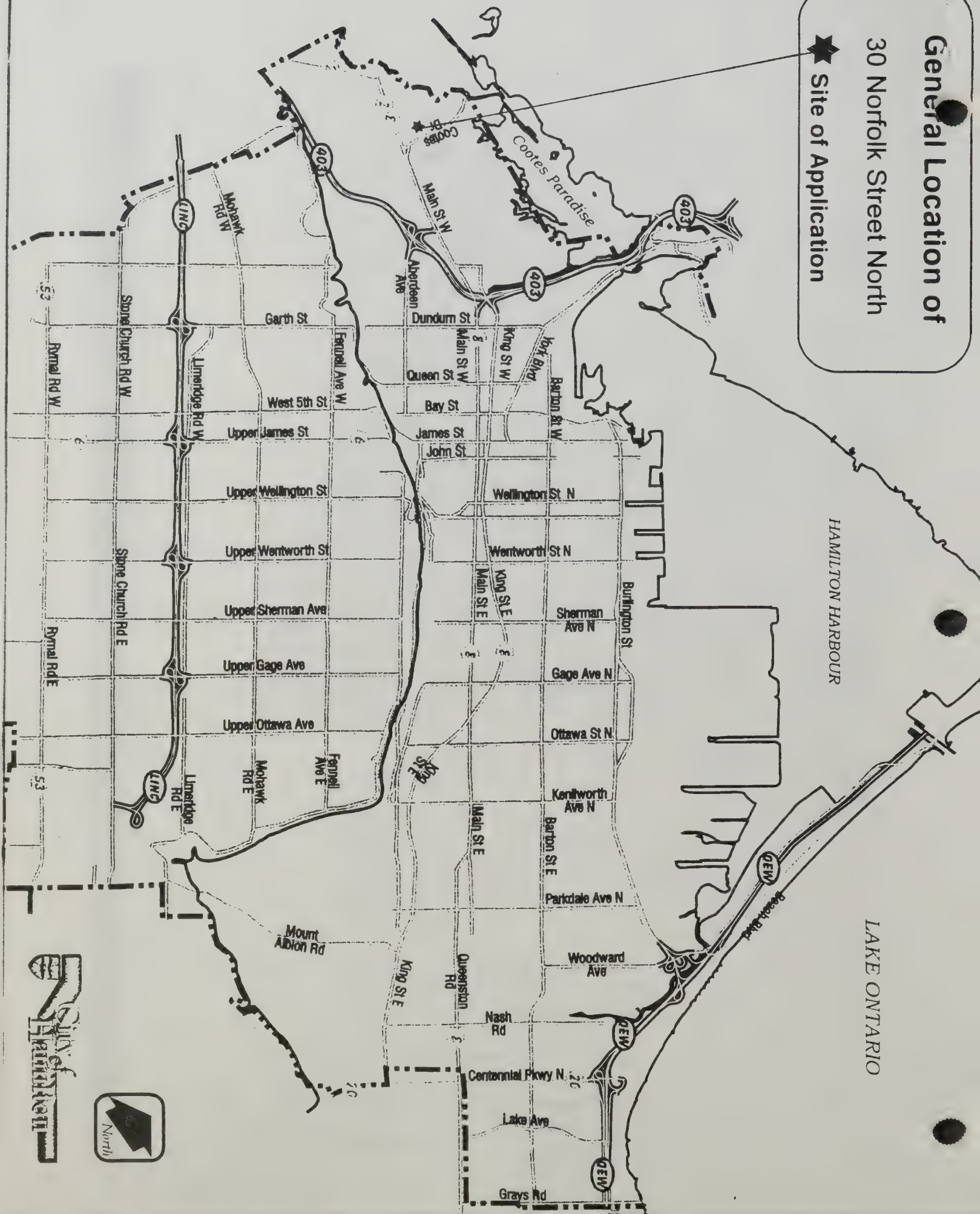
CITY OF HAMILTON

AINSLIE WOOD NORTH

General Location of

30 Norfolk Street North

★ Site of Application



5.3.1

Members
Planning & Development Committee
City of Hamilton

35 Thorndale N.
Hamilton ON
L8S 3K5

October 12, 2000

We understand that there is an application to demolish No. 30 Norfolk Street North which will be heard at the October 25 meeting of the Planning and Development Committee.

This is to inform you that we and other neighbours are opposed to the granting of a demolition permit for this house.

We are opposed for the following reasons:

- 1) It is not good planning practice to have a vacant lot in the midst of a fully developed block. If allowed it would be analogous to having a missing tooth, this would have a negative impact on the streetscape.
- 2) If allowed, it will subject some houses on the west side of Norfolk to sight and noise pollution from Cootes Drive which are currently blocked by the house at 30 Norfolk N.
- 3) This area is currently under demolition control and a demolition should not proceed without a building permit. This was the case recently for the Bellvue Mansion, in which the owner was denied a demolition permit until he had submitted plans for another structure.
- 4) This is about the fourth time that a demolition permit has been requested for this address and it has either been refused or tabled, it should be no different this time.
- 5) The house has been occupied during the summer and we believe that it is currently rented to occupants.
- 6) The house is in good shape, to replace it with a garden is not a good reason for demolition and it would result in less taxes.
- 7) The reason given to justify the demolition is "... currently in contravention of Bylaw ie. 2 dwellings on one lot." This is contradicted in a letter by L.C. King, Building Commissioner at the time, to the Planning and Development Committee, Oct. 23, 1998. Commissioner King in his letter states that 30 Norfolk N. is composed of one lot, Number 118, and is 30' x 100'.

By this letter we are asking for your support in denying the granting of this demolition.

Yours truly,

Mr. and Mrs. C. R. Grigg

5.3.2

31 Norfolk Street, North,
Hamilton, Ontario,
L8S 3J9,
October 20, 2000.

Planning and Development Committee,
71 Main Street, West,
Hamilton, Ontario,
L8P 4Y5

Dear Members of the Committee:

I am writing to inform you that I strongly oppose the granting of a demolition permit for the house at 30 Norfolk Street North in the City of Hamilton.

As a tax payer and nearby resident in the area, I strongly support the City Council recommendation that this area be and is currently under demolition control. Therefore, a demolition should not proceed without an approved building permit. I urge that the Building Commissioner be authorized to issue a demolition permit only when a building permit has been issued to erect a new building in accordance with the requirements of zoning By-Law 6593. Is this By-Law no longer in effect and why? Plans should be submitted by the owner after which they can be thoroughly reviewed by the appropriate City Department and made available to the public for the same co-operative review.

Furthermore, since there is an ongoing law suite against the City and against our ward representatives, by the owner, I urge that the request for a demolition permit be shelved until the ongoing situation is resolved.

Here are some other reasons that I am opposed:

If allowed, the demolition would subject some residential homes on the west side of Norfolk to sight and noise pollution from heavy traffic on Cootes Drive. Presently the house at 30 Norfolk offers a sound barrier against the traffic noise.

I was told by a representative from the Planning and Development department that a garden would replace the house. Residence in the area can witness the gardening interests and efforts of the owner by observing the yard at 28 Norfolk Street North, which he also owns. The front yard has totally been covered with road gravel. The city owned tree on the front yard has and is slowly suffocating due to the plastic covering under the gravel. The existing flower bed has been replaced by a parking lot for 5 (five) to 6 (six) cars. What assurances has the owner given to the City, that the parking lot will not expand with a few wild flowers here and there or of the possibility that another tall monster house will not be built once the gardening idea fades?

To tear down this house would be extremely detrimental to our neighbourhood. It has already experienced much dramatic and inconsiderate change due to over intensification of student residences.

This is about the fourth time that a demolition permit has been requested for this address. Each time the permit has either been refused or tabled, it should be no different this time.

The house had been occupied during the summer by the owner, at which time it was observed that improvements were added to the basement level (i.e. possibly a concrete floor) Presently, (fall of 2000), students continue to rent the house.

The house is in good shape, to replace it with a garden would result in less taxes, hence less revenue for the City. The criteria and justification for demolition are very weak and should therefore be rejected. Instead, why not suggest to the owner to put a well maintained garden in the front of both properties, 30&28 Norfolk Street North, include an island garden between the homes and dig up the back yard for more garden. In my opinion he already has enough space for a garden and there is no need for demolition in order for gardening to take place.

By this letter I am asking for your support in denying the granting of this demolition.

Yours truly,

Pauline Ridzon
Pauline Ridzon

Agnello, Tina

From: Turpin, Sherry
Sent: October 12, 2000 10:25 AM
To: Agnello, Tina
Subject: FW: re 30 Norfolk North demolition permit

Importance: High

-----Original Message-----

From: Betty & Jim Bechtel [mailto:betjimb@interlynx.net]
Sent: October 12, 2000 5:20 AM
To: clerk@city.hamilton.on.ca
Subject: re 30 Norfolk North demolition permit

City Clerk and Planning and Development Committee:

re 30 Norfolk North: demolition permit

I would request that as long as there is a law suit pending against the City of Hamilton and its Councillors, that any city matter submitted by the litigant, be held in abeyance, until such time as the legal matters have been resolved. Should such a matter be heard before resolution of the legal proceedings, the councillors affected, would be required to abstain from voting on the matter. This would leave the majority of their constituents, unrepresented. This is unacceptable.

In addition:

- The building is in good condition and blends in with the streetscape;
- there are no plans in place to replace the present house;
- Would the demolition mean a reduction in taxes for the property? This would not benefit the tax base of Hamilton;
- There is no guarantee that a future owner of the property would not undertake to build a house which would not be in keeping with the streetscape;

Jim and Betty Bechtel <betjimb@interlynx.net>
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(905) 526-1714

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